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12	Samantha Nelson f/k/a Samantha Kumbaleck, Kristofer Nelson, Vikram Dadlani, and Jane Doe Do	adlani			
13	IN THE SUPERIOR COURT OF THE STATE OF ARIZONA				
14	IN AND FOR THE COUNTY OF MARICOPA				
15	PETER S. DAVIS, as Receiver of DENSCO	NO. CV2019-011499			
16	INVESTMENT CORPORATION, an Arizona				
17	corporation,	DEFENDANTS JPMORGAN			
	Plaintiff,	CHASE BANK, N.A.,			
18		SAMANTHA NELSON F/K/A			
19	V.	SAMANTHA KUMBALEK, KRISTOFER NELSON, VIKRAM			
20	U.S. BANK, N.A., a national banking	DADLANI, & JANE DOE			
21	organization; HILDA H. CHAVEZ and JOHN	DADLANI'S NINETEENTH			
22	DOE CHAVEZ, a married couple; JPMORGAN CHASE BANK, N.A., a national	SUPPLEMENTAL RULE 26.1 DISCLOSURE STATEMENT			
	banking organization; SAMANTHA NELSON	DISCEOSCRE STATEMENT			
23	f/k/a SAMANTHA KUMBALECK and				
24	KRISTOFER NELSON, a married couple; and VIKRAM DADLANI and JANE DOE	(Assigned to the Hon. Dewain D. Fox)			
25	DADLANI, a married couple,	100)			
26	* *				
	Defendants.				

Defendants JPMorgan Chase Bank, N.A. ("Chase"), Samantha Nelson, Kristofer Nelson, Vikram Dadlani, and Jane Doe Dadlani (collectively, the "Chase Defendants") hereby furnish their **Nineteenth** Supplemental Rule 26.1 Disclosure Statement. This supplemental disclosure statement is based upon information currently known to the Chase Defendants and reasonably believed to be relevant. The Chase Defendants reserve the right to supplement this disclosure statement in the event additional information becomes known as the result of ongoing discovery or otherwise. Moreover, if any part of this disclosure statement is used in any way in connection with this matter, the Chase Defendants reserve all objections and state that, at the time this disclosure statement was prepared, the case was in the early stages of discovery. New information is in **bold type**.

### I. FACTUAL BASES OF THE CHASE DEFENDANTS' DEFENSES

This lawsuit was brought by Plaintiff Peter S. Davis as receiver (the "Receiver") on behalf of DenSco Investment Corporation ("DenSco") and concerns DenSco's involvement in a real estate loan fraud perpetrated by Scott Menaged ("Menaged"). The essence of DenSco's case against the Chase Defendants, as alleged in the Third Amended Complaint, is that Menaged maintained bank accounts for his business at Chase for part of the time (2014 and 2015) he was defrauding DenSco, and, therefore, Chase and two of its branch bankers must have known of the fraud and aided it. In addition, DenSco alleges that Menaged, Castro and "others" engaged in theft, money laundering, and a scheme or artifice to defraud by DenSco. DenSco further alleges that Nelson and Dadlani, as Chase employees, are vicariously liable for Menaged's racketeering because they "authorized, ratified, and recklessly tolerated" Menaged and Castro's conduct.

The Chase Defendants possess a variety of meritorious defenses to this claim, including: (a) the Receiver lacks standing to bring this claim; (b) the claim is barred by the statute of limitations; (c) the Receiver cannot satisfy a number of the elements necessary to sustain an aiding and abetting fraud claim or a civil racketeering claim; and (d) and several additional affirmative defenses pleaded in the Chase Defendants' answers. Below, the Chase Defendants describe the facts currently known to them that support

each category of defense.

## A. Facts Supporting a Lack of Standing Defense

In the Order Appointing Receiver ("Appointment Order"), the Maricopa County Superior Court defined the "Receivership Assets" as "the assets monies, securities, choses in action, and properties, real and personal, tangible and intangible, of whatever kind and description, wherever situated, of [DenSco]." In keeping, the Appointment Order authorizes the Receiver "to institute [] actions or proceedings [] as may in his discretion be advisable or proper for the protection of the Receivership Assets or proceeds therefrom, and to institute [or] prosecute [] such actions or proceedings [] as may in his judgment be necessary or proper for the collection, preservation and maintenance of the Receivership Assets."

In other words, the Appointment Order authorizes the Receiver to bring claims that belong to the actual entity in receivership: DenSco. The Receiver, as a matter of both fact and law, steps into the shoes of DenSco. The Appointment Order does not authorize the Receiver to bring claims that belong to *investors* in DenSco. The fraud allegedly perpetrated by Menaged did not, in fact, tortiously injure DenSco as a company. To the contrary, the Third Amended Complaint makes clear that DenSco, as operated by its sole owner, shareholder, and operator, Denny Chittick ("Chittick"), was a participant in the alleged fraud—not a victim. Because DenSco participated in the scheme for its own benefit, it does not have standing nor the ability to bring a claim against Chase. And, because the Receiver is authorized only to bring claims on behalf of DenSco, and not DenSco's investors, he too lacks standing.

## **B.** Facts Supporting a Statute of Limitations Defense

The statute of limitations for a claim of aiding and abetting in Arizona is three years. Menaged began banking with Chase in April 2014, five months after DenSco admittedly discovered Menaged's fraudulent activity in or around November 2013. Thus, DenSco's claim accrued by April 2014, and its claim—not filed for over five years later on August 16, 2019—is barred by the applicable three-year statute of limitations.

Moreover, the facts in the following table demonstrate that DenSco remained aware of Menaged's alleged fraud throughout 2014 and 2015—the full duration of his banking relationship with Chase. These facts are drawn from a corporate journal maintained by DenSco in 2014 and 2015, and an investor letter that Chittick wrote to DenSco investors shortly before his death in July 2016.

Date	Source	Excerpt <sup>1</sup>
2/25/2014	DenSco Journal	I talked with Scott for an hour, we went over like three more scenarios. It all boils down to him coming up with cash. He does, that we'll be able to pay off a lot of loans, in numbers not dollars. Then his attorney sent over a 35 page agreement which was completely different than what scott agreed too. I swear they are just drgging this out and have no intention of signing anything.
3/31/2014	DenSco Journal	Scott is now convinced he's going to just sell all the properties and owe me a sh!t load of money and work on paying it off. at this point it clears the books, brings in the interest and then hopefully he can produce enough money that he can pay down the debt, it could be 8 million. That's a scary f*cking number. I'll now be able to fund a few more deals that are popping up. I only lost 95k this month. If he sells the properties, and I get the interest in, I'll have a good year, which will be good to put some capital on the books incase he f*cks me at some point.
6/10/14	DenSco Journal	I started looking up old wholesale deals from scott, I couldn't find any that were recorded, or very few. I went to the auction today to see if I could see louie buy some. No one knows me. John ray walks up and blows it! he's introducing me to everyone. I see louie buy one, then that's not on the list. I question scott about it he says it was paid for by a customer, he only bought two others, and they were after I left. Then the thing with the deeds he explains that they hold them until the guy they sell it to sells it so that if there are HOA's they don't get hit with all the fees. We

<sup>&</sup>lt;sup>1</sup> The DenSco Journal and Investor Letter include typos. The Chase Defendants have maintained those typos in this chart in order to ensure an accurate iteration of the text of the documents.

		go over all the properties. He's almost 40 million now.
9/15/14	DenSco Journal	Scott was back and forth several times with me checking properties and amounts. Gregg was trying to give him releases for properties that were already paid off my only problem is that scott kept saying hey I came to you a year and half ago, when it was just in November. I think he knew about this longer than he's telling me.
Late 2014	Investor Letter	This whole agreement bothered me and wasn't sure it was right. Over time I was getting more and more uncomfortable with this arrangement and kept asking more questions. I told him I wasn't comfortable with this arrangement and he need to return the funds to me and I would no longer fund any more deals. [] We are now in late 2014. I was adamant that I wanted to stop this transaction. I wasn't sure what the truth was as far as arrangement how or who was getting paid etc.
December 2014	Investor Letter	Now compounded with the knowledge that all along I had been an unwittingly accomplice in some kind of fraud in my estimation. I felt like I was between a rock and hard place, with no out. In December I said no more.

Finally, Chittick was DenSco's sole owner, shareholder, and operator. As a result, his knowledge of Menaged's alleged fraud is attributed to DenSco, conclusively triggering the accrual of any purported aiding and abetting claim DenSco possesses at the time Chittick acquired knowledge of the alleged fraud.

## C. Facts Supporting DenSco's Inability to Satisfy the Elements of the Aiding-and-Abetting Fraud Claims

DenSco is unable to establish the elements necessary to prevail on an aiding and abetting fraud claim. The record established in this case already demonstrates that DenSco is unable to prove (i) the existence of an actionable underlying tort; (ii) knowledge on the Chase Defendants' part; and (iii) substantial assistance on the Chase Defendants' part.

## i. There is no actionable underlying tort.

In Arizona, an actionable fraud only exists where the party alleging fraud actually and justifiably relies on the misrepresentations at hand. Reliance, in turn, is not justifiable where the allegedly defrauded party could have ascertained the falsity of those representations. The facts outlined above and as part of the Receiver's prior filings demonstrate not only that DenSco could have ascertained that Menaged's representations were false, but that DenSco—through Chittick, its sole owner, shareholder, and operator—in fact knew that Menaged was making misrepresentations about his usage of DenSco's real estate loan funds.

## ii. The Chase Defendants had no knowledge of Menaged's alleged fraud.

In Arizona, aiding and abetting liability only lies where a defendant knows that the conduct they are allegedly aiding and abetting is, in fact, a tort. Defendants Vikram Dadlani and Samantha Nelson—the Chase employees through whom Chase is alleged to possess knowledge of Menaged's alleged fraud—have confirmed in sworn deposition testimony that they had no knowledge whatsoever of misconduct on Menaged's part. And the Chase Defendants' only interactions with Menaged were in the context of banking activities on accounts Menaged owned and controlled that did not lead to actual knowledge of or willful blindness to Menaged's alleged misconduct. The fact that the Receiver believes Menaged engaged in conduct that should have alerted the Chase bankers to Menaged's fraud (the Chase Defendants disagree) is of no moment. The law is well-established: "should have known" is not tantamount to actual knowledge for purposes of pleading or establishing an aiding and abetting claim. Likewise, Arizona courts have not recognized "willful blindness" as a valid theory for establishing the knowledge element of the Receiver's civil aiding-and-abetting claims. The Receiver's claims are meritless.

## iii. The Chase Defendants did not substantially assist Menaged's alleged fraud.

In Arizona, the processing of banking transactions does not constitute substantial assistance of fraud unless the alleged assistance was accompanied by an extraordinary economic motivation. Chase collected only ordinary banking fees in connection with Menaged's account, and the named individuals (the Nelsons and Dadlanis) had absolutely no extraordinary economic motivation to assist Menaged. Samantha Nelson and Vikram Dadlani are salaried employees whose only economic motivation was the paycheck they received from Chase.

## D. Facts Supporting DenSco's Inability to Satisfy the Elements of the Racketeering Claims against Nelson and Dadlani

DenSco is unable to establish the elements necessary to prevail on the racketeering claims against Defendants Nelson and Dadlani. The record established in this case already demonstrates that DenSco is unable to prove that Nelson or Dadlani "authorized, ratified, and recklessly tolerated" Menaged and Castro's conduct. As explained in the previous section discussing the facts underlying the aiding-and-abetting fraud claims, Defendants Dadlani and Nelson have confirmed in sworn deposition testimony that they had no knowledge whatsoever of misconduct on Menaged's part. Under Arizona law, they cannot ratify or recklessly tolerate wrongdoing of which they had no knowledge or awareness. The Receiver cannot prove the elements of this claim.

## E. Facts Supporting the Chase Defendants' Affirmative Defenses

In their Answers to the Third Amended Complaint, the Chase Defendants identified thirteen affirmative defenses, two of which are the standing and statutes of limitations defenses described above. Many of the defenses—including laches, waiver, acquiescence, estoppel, unclean hands, *in pari delicto*, comparative fault, assumption of risk, and fraud—rely, at least in part, on facts articulated above. These defenses will be further developed as facts become available to the Chase Defendants in discovery. Certain other defenses—including those predicated on issue and claim preclusion and admissions made by the Receiver in other court filings—rely, at least in part, on legal documents and

court filings in *Peter S. Davis, as Receiver for DenSco Inv. Corp. v. Clark Hill PLC*, Case No. 2017-013832 ("*Clark Hill* Action"). So too will these be further developed as the Chase Defendants investigate the voluminous court file in the *Clark Hill* Action and any other potentially relevant legal proceedings in which the Receiver has engaged.

### II. LEGAL BASES OF THE CHASE DEFENDANTS' DEFENSES

## A. Under Advisement Ruling, September 10, 2021

On September 10, 2021, the Court in this matter issued its Under Advisement Ruling on Defendants' April 7, 2021, Motion to Dismiss ("MTD Ruling"). The MTD Ruling granted in part and denied in part the Defendants' Motion to Dismiss. Specifically, the Court dismissed the following counts in their entirety: Count Three (Aiding and Abetting Conversion: US Bank and Chavez), Count Four (Aiding and Abetting Conversion: Chase, Nelson and Dadlani), Count Five (Aiding and Abetting Breach of Fiduciary Duty: US Bank and Chavez), Count Six (Aiding and Abetting Breach of Fiduciary Duty: Chase, Nelson and Dadlani). The Court also dismissed Counts Seven and Eight (Civil Racketeering) as to U.S. Bank and Chase, respectively. As such, DenSco's only remaining claims are as follows:

- Count One (Aiding and Abetting Fraud: US Bank; Chavez)
- Count Two (Aiding and Abetting Fraud: Chase, Nelson and Dadlani)
- Count Seven (Civil Racketeering: Chavez)
- Count Eight (Civil Racketeering: Nelson and Dadlani)

## B. Lack of Standing

A receiver stands in the shoes of a corporate entity and is only authorized to bring claims that would otherwise belong to that entity. The Receiver does not stand in the shoes of individual investors that invested in the entity, and consequently lacks standing to prosecute claims that belong to those investors. *See, e.g., Managers Ass'n v. Kennesaw Life & Accident Ins. Co.*, 809 F.2d 617, 622 (9th Cir. 1986) (where a receiver represents a company and its affiliates, but not the company's beneficiaries, the receiver lacks standing to assert state law fraud claims that lie with the third-party beneficiaries). In the

case of a Ponzi scheme, where an entity in receivership was used in service of the scheme, it is the investors, and not the entity, that suffered injury as a result of the scheme. Thus, a third-party tort claim predicated on fraud necessarily arises from damages to the investors, not the receiver, depriving the receiver of standing. *See, e.g., Isaiah v. JPMorgan Chase Bank*, 960 F.3d 1296, 1307 (11th Cir. 2020). ("the Ponzi schemers' torts cannot properly be separated from the Receivership Entities, and the Receivership Entities cannot be said to have suffered any injury from the Ponzi scheme that the Entities themselves perpetrated").

### C. Statute of Limitations

Arizona has a three-year statute of limitations for fraud. Ariz. Rev. Stat. § 12-543(3). That same period applies to aiding and abetting fraud claims. Here, DenSco's allegations demonstrate it was on notice of the fraud for at least three-plus years before it filed suit against Chase. More specifically, its allegations show that a fraudster (Menaged) was committing real estate loan fraud on the lender (DenSco), and midway through the process, after his conduct was revealed to DenSco, Menaged made further false promises while continuing the real estate loan fraud scheme and causing DenSco additional losses. Also, DenSco admits in its allegations that it knew Menaged was defrauding it when Menaged began the banking relationship with Chase commenced in April 2014. Since this suit was not commenced until more than five years later in August 2019, the claim against Chase is forever time-barred. As stated in the Court's MTD Ruling, "[t]he Receiver is bound by the factual admissions in his pleadings." Under Advisement Ruling, Sept. 12, 2021, at 10, n.2 (citing *Brenteson Wholesale, Inc. v. Arizona Pub. Serv. Co.*, 166 Ariz. 519, 522, 803 P.2d 930, 933 (Ct. App. 1990)); *Black v. Perkins*, 163 Ariz. 292, 293, 787 P.2d 1088, 1089 (Ct. App. 1989)).

DenSco also concedes that it was on inquiry notice of the alleged fraud as of April 2014, and actually investigated the fraud in June 2014. As reflected in the table above, DenSco knew enough about Menaged's fraud in June 2014—a mere two months after he began banking at Chase—that DenSco's sole employee/representative attended an

auction incognito because of concern that Menaged was not really using DenSco funds to buy homes. Thus, DenSco, a sophisticated business and real estate lender, was not only on inquiry notice in April 2014, but actually did inquire, and knew or certainly should have known of the fraud long before the Receiver was appointed—and more than five years before this litigation was commenced. *See, e.g., Stulce v. Salt River Project Agric. Improvement & Power Dist.*, 197 Ariz. 87, 90 ¶ 10, 3 P.3d 1007, 1010 (App. 1999) (under Arizona's "discovery rule," a cause of action accrues when a plaintiff discovers or "reasonably should have discovered" defendant's injury-causing misconduct).

Finally, DenSco cannot rely on the doctrine of adverse domination to save its stale claim. The adverse domination doctrine is not applicable when a sole actor runs the company alleged to have engaged in misconduct. Indeed, adverse domination is subject to a basic exception—the widely-adopted "sole actor" rule, recognized in Arizona for over 50 years—whereby the agent's knowledge (Chittick's) is attributed to the principal (DenSco) when the agent, "although engaged in perpetrating [fraud] on his own account, is the sole representative of the principal." Pearll v. Selective Life Ins. Co., 444 P.2d 443, 445 (1968) (internal citation and quotations omitted). Where an entity is controlled by a sole actor, that period does not toll, but instead accrues at the time the sole actor discovers the misconduct giving rise to the claim, as the sole actor's knowledge is imputed to the entity under the sole actor rule. See, e.g., In re Mediators, Inc., 105 F.3d 822, 827 (2d Cir. 1997) (sole actor rule "imputes the agent's knowledge to the principal" when "the principal and agent are one and the same"); In re Nat'l Century Fin. Enters., 783 F. Supp. 2d 1003, 1016 (S.D. Ohio 2011) ("[u]nder the sole actor rule, an agent's wrongdoing is directly attributed to the principal if he so dominated and controlled the principal that it had no separate mind, will or existence of its own," and "the principal and agent are one and the same").

## D. DenSco's Inability to Satisfy the Elements of its Claim for Aiding and Abetting Fraud

### i. No actionable underlying tort.

In Arizona, an actionable fraud only exists where the party alleging fraud actually and justifiably relies on the misrepresentations at hand. Reliance, in turn, is not justifiable where the allegedly defrauded party could have or should have ascertained the falsity of those representations. Specifically, a party in Arizona is not entitled to a verdict on a fraud if by an ordinary degree of caution the party complaining could have ascertained the falsity of the representations complained of. *See Stanley Fruit Co. v. Ellery*, 42 Ariz. 74, 78, 22 P.2d 672, 674 (Ariz. 1933) ("a party is not entitled to a verdict [on a fraud] if by an ordinary degree of caution the party complaining could have ascertained the falsity of the representations complained of").

## ii. The Chase Defendants lack knowledge of Menaged's alleged fraud.

In Arizona, aiding and abetting liability only lies where a defendant actually knows that the conduct they are allegedly aiding and abetting is, in fact, a tort. Mere knowledge of suspicious activity is not enough, nor is the processing of transactions in an account that, in retrospect, appear unusual, unprecedented, and unexplained. *See, e.g., Stern v. Charles Schwab & Co., Inc.*, No. CV-09-1229, 2010 WL 1250732, at \*8 (D. Ariz. Mar. 24, 2010) ("mere knowledge of suspicious activity is not enough"). In other words, it is not enough that a defendant should have known something was amiss or known even of the alleged fraud. The defendant must have been actually aware that the fraudster did or would in fact perpetrate the specific fraud at issue.

Further, there is no Arizona caselaw allowing a court to impute knowledge in aiding-and-abetting claims under a willful blindness theory.

## iii. The Chase Defendants did not substantially assist Menaged's alleged fraud.

In Arizona, the processing of "ordinary course transactions" only "constitute substantial assistance under some circumstances, such as where there is an extraordinary economic motivation to aid in the fraud." Wells Fargo Bank v. Ariz. Laborers, Teamsters,

& Cement Masons Local No. 395 Pension Tr. Fund, 201 Ariz. 474, 489 ¶ 48, 38 P.3d 12, 27 (2002). Such motivation requires more than the existence of ordinary account fees and credit interest. See, e.g., Stern v. Charles Schwab & Co., Inc., No. CV-09-1229, 2009 WL 3352408, at \*8 (D. Ariz. Oct. 16, 2009) (holding that a bank's collection of ordinary banking fees does not create a circumstance of "extraordinary economic motivation" such that processing ordinary bank transactions morphs into substantial assistance). Merely permitting a customer to open and continue maintaining an account with transactions in the millions of dollars is not enough to establish an extraordinary economic motivation

## E. Nelson and Dadlani Are Not Liable for Civil Racketeering Under A.R.S. § 13-2300, et seq.

To prevail on its racketeering claims against Nelson and Dadlani, Plaintiff must prove the following:

- 1. That Menaged engaged in a pattern of racketeering activity for the purpose of financial gain;
- 2. That Menaged's racketeering acts are punishable by more than a year in prison;
- 3. That Menaged's pattern of unlawful activity caused DenSco's damages;
- 4. That DenSco's damages were a reasonably foreseeable result of Menaged's pattern of unlawful activity; and
- 5. That Nelson and Dadlani "authorized, requested, commanded, ratified or recklessly tolerated" Menaged's unlawful conduct.

See A.R.S. §§ 13-2301(D)(4)(b); 13-2314.04(A), (L), (T); Hannosh v. Segal, 235 Ariz. 108, 111, ¶ 7 (Ct. App. 2014).

## i. Nelson and Dadlani Did Not Authorize, Ratify or Recklessly Tolerate Menaged's Unlawful Conduct.

The standard for proving vicarious liability under Arizona's racketeering statute requires actual knowledge of or conscious disregard for Menaged's pattern of racketeering. The terms "ratified" and "recklessly tolerated" "both ... call for a construction that imputes knowledge or conscious awareness. That is, one who ratifies or

recklessly tolerates the conduct of another must necessarily have knowledge or conscious awareness that the conduct is of a criminal nature in order to be found liable." *Digital Sys. Eng'g, Inc. v. Bruce-Moreno*, No. 1 CA-CV 09-0574, 2010 WL 5030808, at \*6 (Ariz. Ct. App. Nov. 16, 2010). Thus, the Receiver's racketeering claims against Nelson and Dadlani fail for the same reasons its aiding-and-abetting claims fail: Neither Nelson nor Dadlani had actual knowledge or awareness of Menaged's allegedly wrongful conduct.

### F. Other Defenses

The Chase Defendants assert that DenSco's claims are barred, may be barred, or reduced by other matters constituting a defense or affirmative defense as set forth in Arizona Rule of Civil Procedure 8 and Arizona's common law, and as may be determined to exist through discovery. Those defenses include laches, waiver, acquiescence, estoppel, unclean hands, *in pari delicto*, comparative fault, assumption of risk, fraud, admission, and issue and claim preclusion.

The Chase Defendants have not yet identified all the legal defenses that they may have to DenSco's claims and reserve the right to supplement this disclosure.

III. THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH WITNESS THE CHASE DEFENDANTS EXPECT TO CALL AT TRIAL, WITH DESIGNATION OF THE SUBJECT MATTER ABOUT WHICH EACH WITNESS MIGHT BE CALLED TO TESTIFY

The Chase Defendants anticipate that their trial witnesses will include the following:

## A. Chase Bank Current and Former Employees

Representative of JPMorgan Chase Bank, N.A. c/o Nicole M. Goodwin
 Greenberg Traurig, LLP
 2375 East Camelback Road, Suite 800
 Phoenix, Arizona 85016
 (602) 445-8000

The Chase Defendants anticipate that a representative of Chase will be called to testify regarding the facts and circumstances surrounding DenSco's allegations, the

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in any properly noticed and appropriate Rule 30(b)(6) deposition. 2 3 2. Vikram Dadlani c/o Nicole M. Goodwin 4 Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800 5 Phoenix, Arizona 85016 6 (602) 445-8000 7 Vikram Dadlani is a Defendant in this action. The Chase Defendants anticipate 8 that he will testify regarding the facts and circumstances surrounding DenSco's 9 allegations and Vikram and Jane Doe Dadlani's defenses. 10 3. Samantha Nelson 11 c/o Nicole M. Goodwin Greenberg Traurig, LLP 12 2375 East Camelback Road, Suite 800 Phoenix, Arizona 85016 13 (602) 445-8000 14 Samantha Nelson is a Defendant in this action. The Chase Defendants anticipate 15 that she will testify regarding the facts and circumstances surrounding DenSco's 16 allegations and Samantha and Kristofer Nelson's defenses. 17 4. Peter S. Davis 18 c/o Plaintiff's counsel 19 Mr. Davis is the receiver appointed for DenSco and acts on DenSco's behalf and 20 in DenSco's stead as the Plaintiff in this action. The Chase Defendants anticipate that 21 Mr. Davis will testify regarding the facts and circumstances surrounding Plaintiffs' 22 allegations, his lack of personal knowledge thereof, and alleged damages. 23 5. Susan Lazar c/o Nicole M. Goodwin 24 Greenberg Traurig, LLP 25 2375 East Camelback Road, Suite 800 Phoenix, Arizona 85016 26 (602) 445-8000 27 28

damages alleged, and the Chase Defendants' defenses, and/or to the topics/issues covered

Ms. Lazar is a former Chase employee. The Chase Defendants anticipate that she

1	will testify regarding the facts and circumstances surrounding DenSco's allegations and		
2	the Chase Defendants' defenses.		
3 4	6. Denise Youngs c/o Nicole M. Goodwin		
5	Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800		
6	Phoenix, Arizona 85016 (602) 445-8000		
7	The Chase Defendants anticipate that Ms. Youngs will testify regarding Chase		
8	policies and procedures related to the opening of business banking accounts.		
9	7. Kristin Johnson		
10	c/o Nicole M. Goodwin		
11	Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800		
12	Phoenix, Arizona 85016		
13	(602) 445-8000		
14	The Chase Defendants anticipate that Ms. Johnson will testify regarding Chase		
15	policies and procedures related to issuing and redepositing cashier's checks and		
16	submission of Unusual Activity Reports by branch employees.		
17	8. Jon Riederer		
18	c/o Nicole M. Goodwin Greenberg Traurig, LLP		
19	2375 East Camelback Road, Suite 800		
20	Phoenix, Arizona 85016 (602) 445-8000		
21	The Chase Defendants anticipate that Mr. Riederer will testify regarding Chas		
22	policies and procedures related to creating and maintaining Know-Your-Customer		
23	account profiles.		
24	9. Scott Hitt		
25	c/o Nicole M. Goodwin		
26	Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800		
27	Phoenix, Arizona 85016		
28	(602) 445-8000		

The Chase Defendants anticipate that Mr. Hitt will testify regarding the non-privileged aspects of the review of AZHF's account records.

## B. U.S. Bank Defendants and Current and Former Employees

10. Corporate Representative of US Bank c/o Gregory J. Marshall Snell & Wilmer L.L.P.
One Arizona Center 400 E. Van Buren, Suite 1900 Phoenix, Arizona 85004-2202

The Chase Defendants anticipate that a representative of U.S. Bank may be called to testify regarding the facts and circumstances surrounding DenSco's allegations, the damages alleged, and the applicable defenses to U.S. Bank.

11. Hilda Chavez c/o Gregory J. Marshall Snell & Wilmer L.L.P. One Arizona Center 400 E. Van Buren, Suite 1900 Phoenix, Arizona 85004-2202

Hilda Chavez is a Defendant in this action and a current employee of Defendant US Bank. The Chase Defendants anticipate that she may testify regarding the facts and circumstances surrounding DenSco's allegations, her interactions with Menaged and Castro during their visits to the U.S. Bank branch location, and U.S. Bank's policies and banking practices as relevant to this matter.

12. Tatjana Sulaver
c/o Gregory J. Marshall
Snell & Wilmer L.L.P.
One Arizona Center
400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202

Tatjana Sulaver is a former employee of Defendant U.S. Bank. The Chase Defendants expect that Ms. Sulaver may testify regarding the allegations in the Third Amended Complaint and U.S. Bank's policies and banking practices as relevant to this matter.

13. Leslie Rocha c/o Gregory J. Marshall Snell & Wilmer L.L.P. One Arizona Center 400 E. Van Buren, Suite 1900 Phoenix, Arizona 85004-2202

Leslie Rocha is a current or former employee of Defendant U.S. Bank. The Chase Defendants expect that Ms. Rocha may testify regarding the allegations in the Third Amended Complaint and U.S. Bank's policies and banking practices as relevant to this matter.

## C. Bank of America Employees and Related Parties

14. Karin Kunik
c/o James B. Ball
Ball, Santin & McLeran, PLC
2999 North 44<sup>th</sup> Street, Suite 500
Phoenix, Arizona 85018
(602) 840-1400
Email: Ball@bsmplc.com

Karin Kunik is a current or former employee of Bank of America. The Chase Defendants anticipate that Ms. Kunik may be called to testify regarding the facts and circumstances surrounding DenSco's allegations and Menaged's banking relationship with Bank of America.

15. Kenneth Harvey
c/o James B. Ball
Ball, Santin & McLeran, PLC
2999 North 44<sup>th</sup> Street, Suite 500
Phoenix, Arizona 85018
(602) 840-1400
Email: Ball@bsmplc.com

Kenneth Harvey is a current or former employee of Bank of America. The Chase Defendants anticipate that Mr. Harvey may be called to testify regarding the facts and circumstances surrounding DenSco's allegations and Menaged's banking relationship with Bank of America.

16. Corporate Representative of Bank of America c/o James B. Ball
Ball, Santin & McLeran, PLC
2999 North 44<sup>th</sup> Street, Suite 500
Phoenix, Arizona 85018
(602) 840-1400
Email: Ball@bsmplc.com

The Chase Defendants anticipate that a representative of Bank of America may be called to testify regarding the facts and circumstances surrounding DenSco's allegations and Menaged's banking relationship with Bank of America.

## D. DenSco Investor Representatives

17. DenSco Investors (specific contact information to be supplemented)

Chase anticipates calling one or more DenSco Investors (otherwise listed in numbers 8 to 131 in Section IV(B) below) to testify. It is anticipated that the DenSco Investors will testify that they did not have knowledge of Menaged's fraud, that knowledge of the fraud and the concentration of loans to Menaged would have been material to their investment decisions, that they would have not invested with DenSco had Mr. Chittick disclosed the fraud, and that Mr. Chittick withheld material information from them resulting in financial loss.

## E. DenSco Borrower Representatives

18. DenSco Borrowers (specific contact information to be supplemented)

Chase anticipates calling one or more DenSco Borrowers (otherwise listed in numbers 117 to 123 in Section IV(C) below) to testify. It is anticipated that the DenSco Borrowers will testify regarding DenSco's lending practices, business practices, and DenSco's and Mr. Chittick's relationship with Menaged.

### F. Potential Rebuttal Witnesses

The following witnesses may be called regarding certain subject matters that the Chase Defendants contend are irrelevant, overly broad, unduly burdensome, privileged and/or not proportional to the needs of this case. In the event, however, that the objected-

to subject matters are introduced at trial over the Chase Defendants' objections, the Chase Defendants may introduce the following witnesses in rebuttal. Listing of these witnesses is not intended, and should not be construed, as a waiver of any objections that the Chase Defendants may raise prior to, or at trial. The Chase Defendants expressly reserve, and do not waive, any and all objections to discovery and admissibility on the following topics: (1) Chase policies and procedures regarding Bank Secrecy Act and PATRIOT Act compliance; (2) Chase policies and procedures related to investigations into reports and alerts of suspicious customer activity; (3) Chase investigations into reports and alerts of suspicious activity by Menaged or Arizona Home Foreclosures, LLC; (4) Chase policies and procedures regarding executing teller and banker transactions, as well as all objections set forth in Chase's responses to the Receiver's discovery requests to date.

- 19. Witnesses disclosed in future discovery, without waiver of objection.
- 20. Witnesses necessary to lay the foundation of exhibits.
- 21. Witnesses properly listed by any other party in this matter, without waiver of objection.
  - 22. Any necessary rebuttal or impeachment witnesses, fact and expert.

The Chase Defendants reserve the right to supplement this disclosure as appropriate.

IV. THE NAME AND ADDRESS OF ANY PERSON THE CHASE DEFENDANTS BELIEVE MAY HAVE KNOWLEDGE RELEVANT TO THE EVENTS, TRANSACTIONS, OR OCCURRENCES THAT ALLEGEDLY GAVE RISE TO THIS ACTION, AND A DESCRIPTION OF THE NATURE OF THE KNOWLEDGE OR INFORMATION EACH SUCH PERSON IS BELIEVED TO POSSESS

The Chase Defendants have not yet identified all of the witnesses with relevant knowledge of the events, transactions, or occurrences that gave rise to this action, but they anticipate that all witnesses listed above in § III have relevant knowledge, with the exception of the individuals identified in § III(D), to which Chase does not concede any

relevance whatsoever. With respect to any other persons, the Chase Defendants identify the following:

### A. Persons Affiliated with Densco

1. Shawna Chittick Heuer c/o James Polese, Gammage & Burnham, PLC Two N. Central Avenue, 15th Floor Phoenix, AZ 85004 (602) 256-0566

Mrs. Heuer is Mr. Chittick's sister and it is believed that she would testify in accordance with her deposition taken in the *Clark Hill* Action. The Chase Defendants believe she possesses information about the facts and circumstances surrounding DenSco's knowledge of Menaged's activities.

Kurt Johnson
 3317 E. Bell Road, Suite 101-265
 Phoenix, AZ 85032
 (602) 505-8117

Mr. Johnson is an attorney who provided certain legal services to DenSco and is believed to have knowledge of those services.

3. Robert Koehler c/o James Polese, Gammage & Burnham, PLC, Two N. Central Avenue, 15th Floor, Phoenix, AZ 85004 (480) 945-2799

Mr. Koehler was designated by Mr. Chittick and entered into a written agreement with Mr. Chittick pursuant to which he was a signatory on DenSco's bank account, was to have received on a weekly basis updates on properties, and a spreadsheet on investor information on a monthly basis. Mr. Koehler was also an investor in DenSco. After Mr. Chittick's death and at the request of Ms. Heuer, Mr. Koehler conducted a preliminary analysis of DenSco's loan portfolio. He is believed to have knowledge of DenSco's business operations, books and records, and written communications he received from Mr. Chittick at or around the time of his death.

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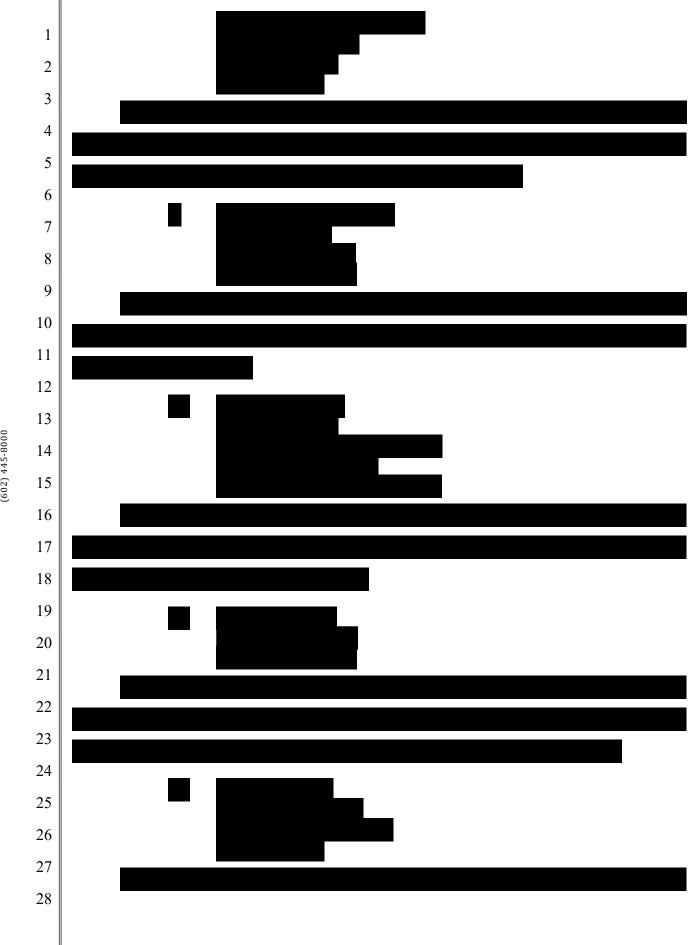
1	4. David Preston Preston CPA, P.C.	
2	1949 E. Broadway Road, Ste. 101	
3	Tempe, AZ 85282 (480) 820-4419	
4	Mr. Preston is a Certified Public Accountant and an investor in DenSco. The	
5	Chase Defendants believe Mr. Preston possesses information about the facts and	
6	circumstances surrounding DenSco's lending practices, the professional services he	
7	provided to DenSco, the professional services provided by Clark Hill and David	
8	Beauchamp, and his investment in DenSco. It is also believed that he would testify in	
9	accordance with his deposition taken in the Clark Hill Action.	
10	5. Yomtov "Scott" Menaged	
11	FCI Safford	
12	1529 West Highway 366 Safford, Arizona 85546	
13	Mr. Menaged is the alleged fraudster at the heart of DenSco's case. The Chase	
14	Defendants believe he possesses information about the facts and circumstances	
15	surrounding DenSco's claims.	
16	6. Veronica Castro	
17	Current address unknown	

Veronica Castro allegedly participated in the commission of Menaged's alleged fraud. The Chase Defendants believe she possesses information about the facts and circumstances surrounding DenSco's allegations.

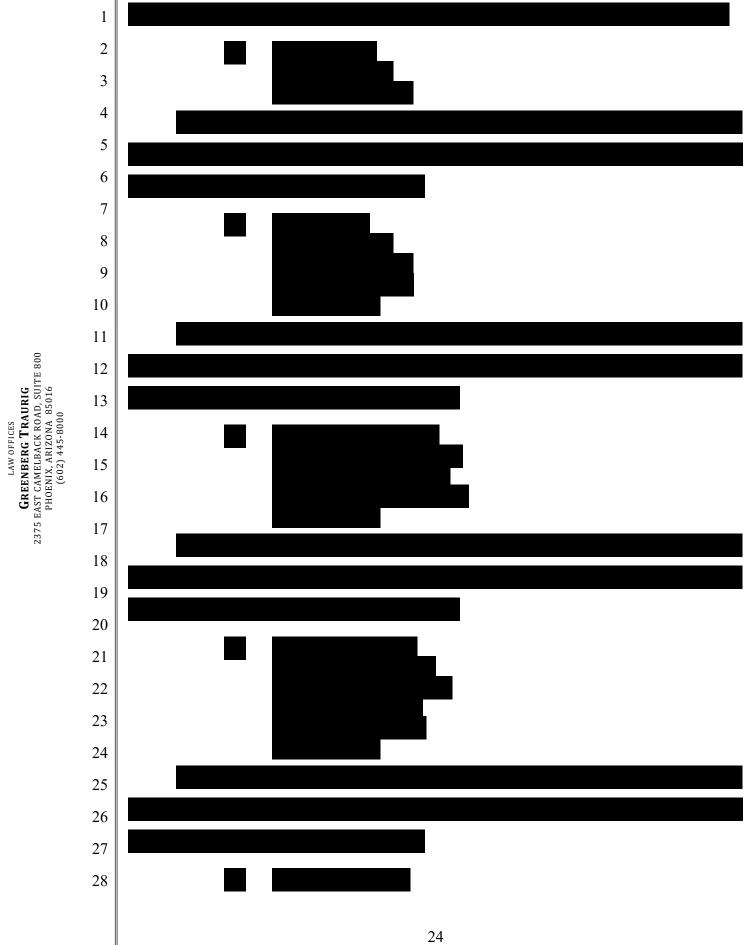
> 7. David Beauchamp Clark Hill PLC 14850 N. Scottsdale Road, Suite 500 Scottsdale, Arizona 85254

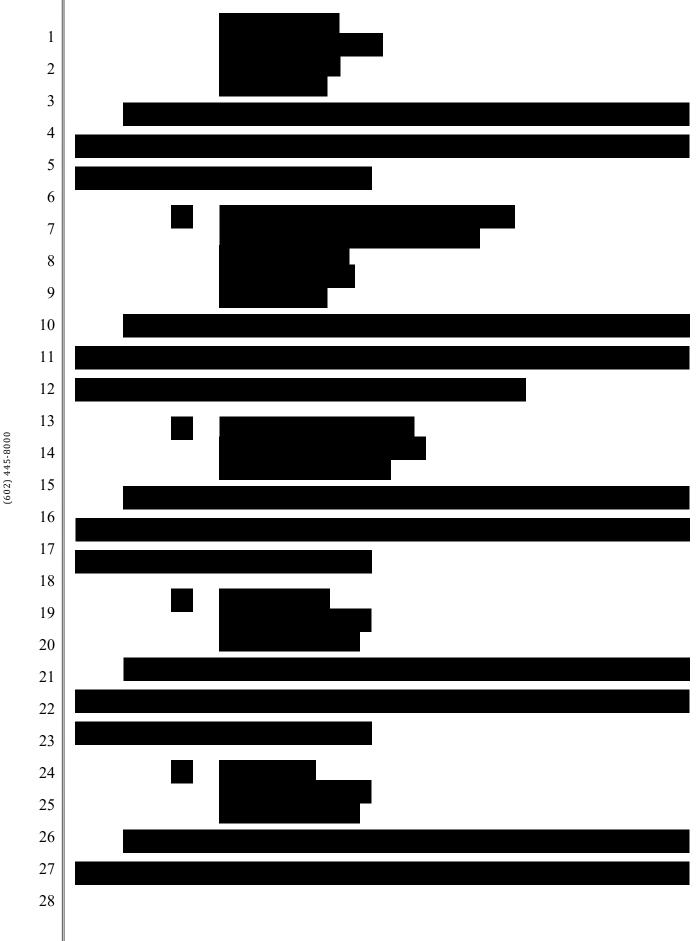
David Beauchamp served as DenSco's lawyer. The Chase Defendants believe he possesses information about the facts and circumstances surrounding DenSco's knowledge of Menaged's activities.

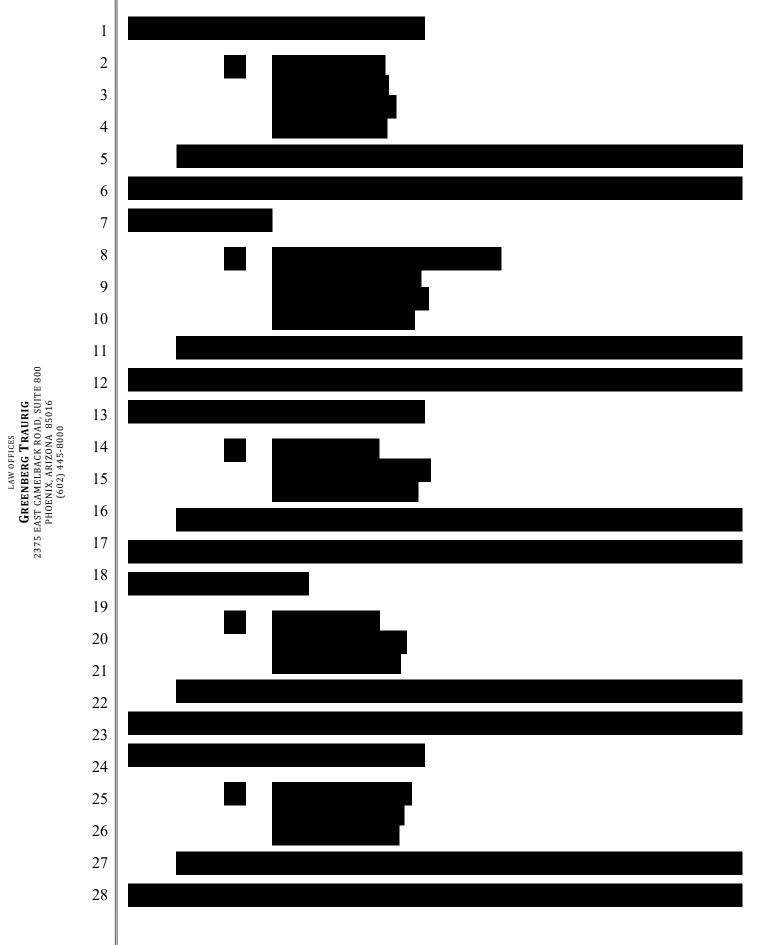
### В. **DenSco Investors**

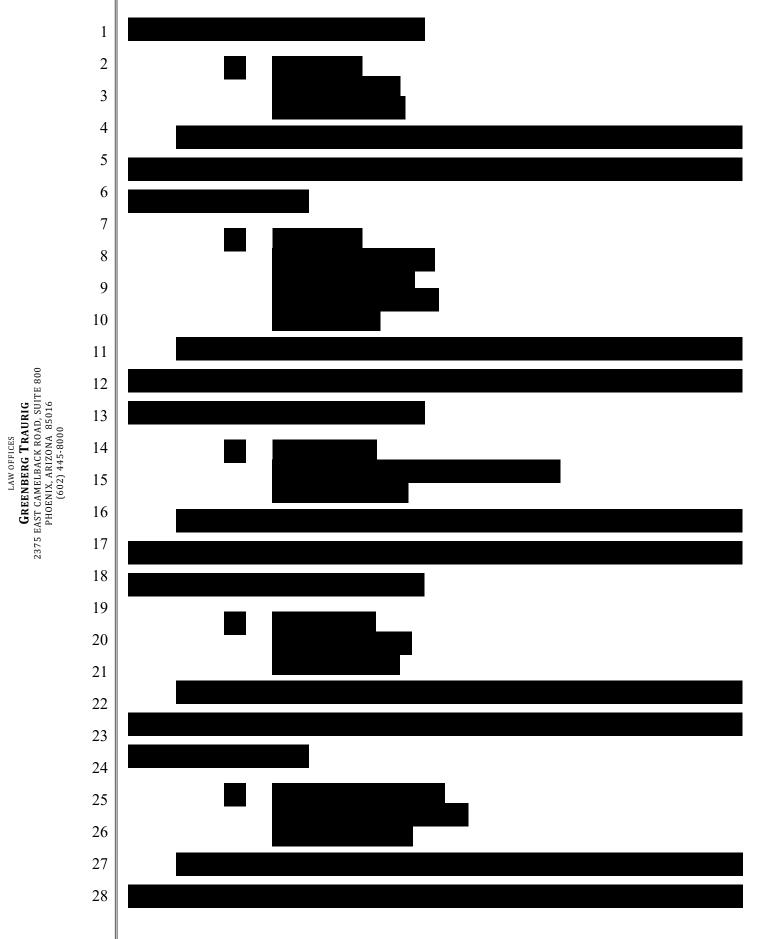


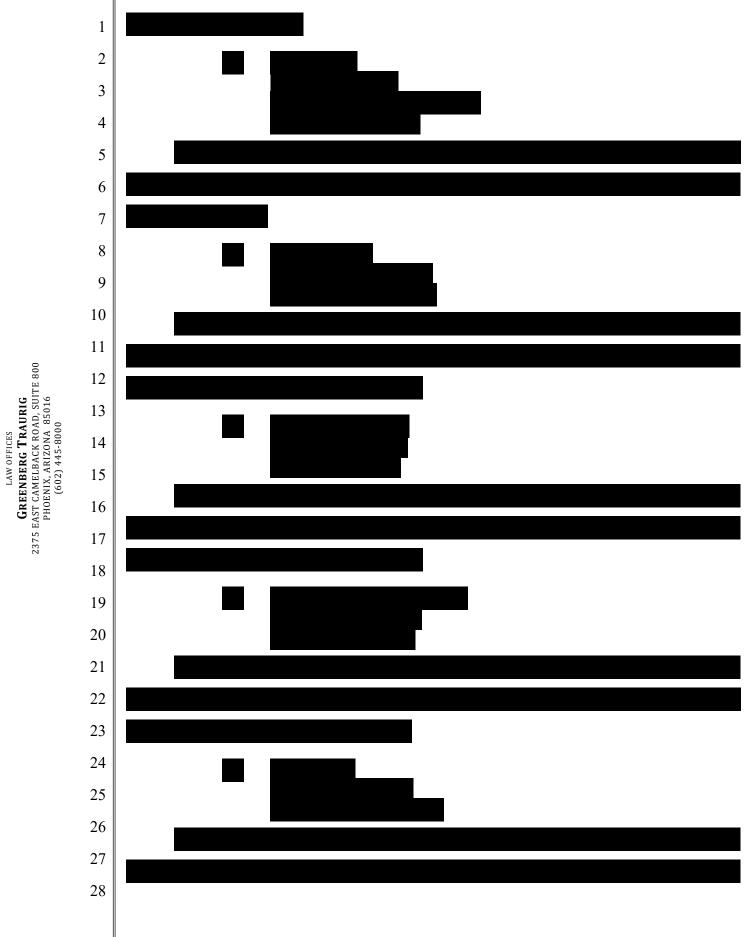


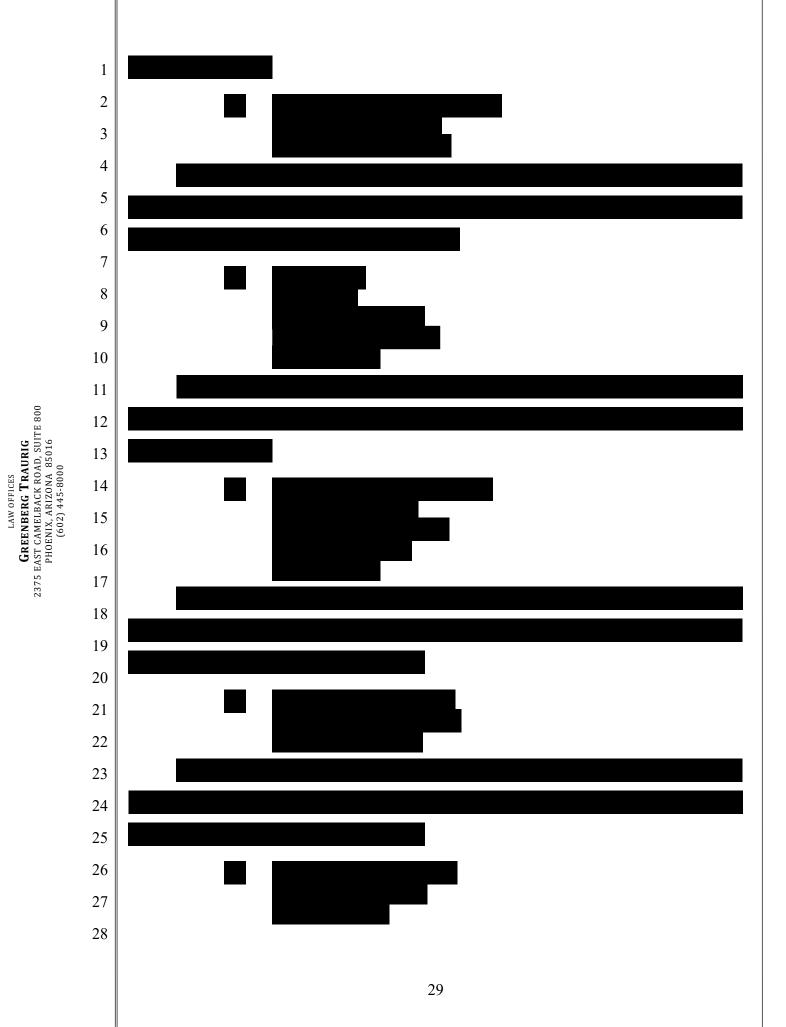


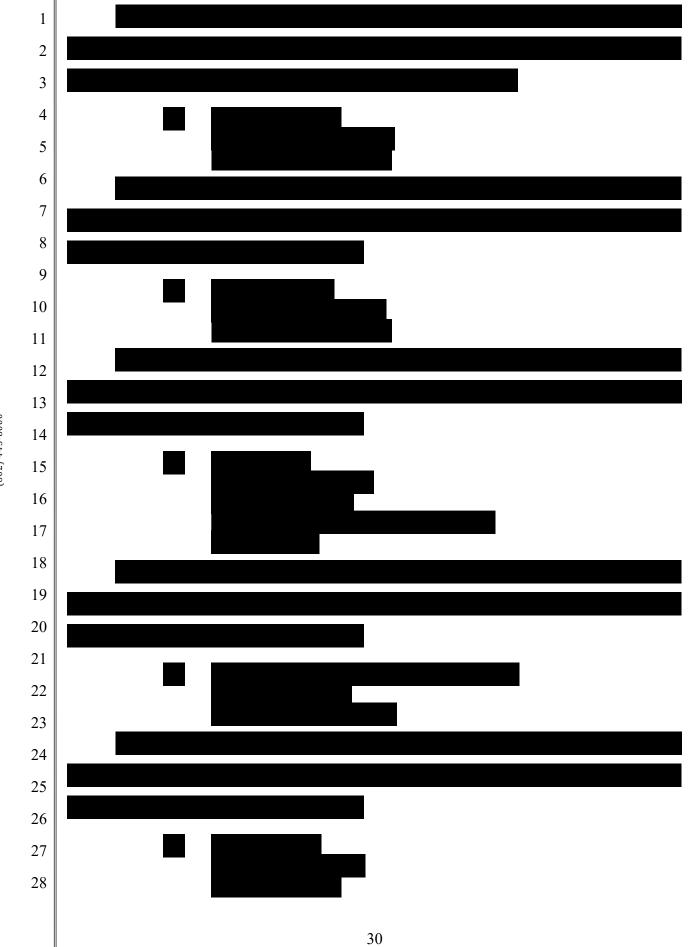


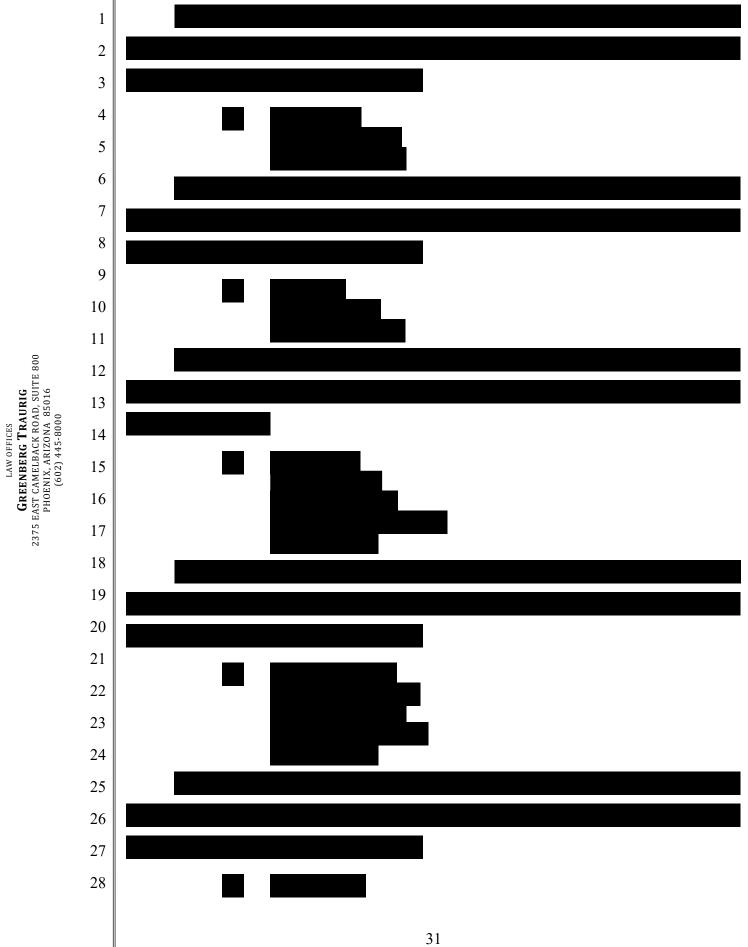


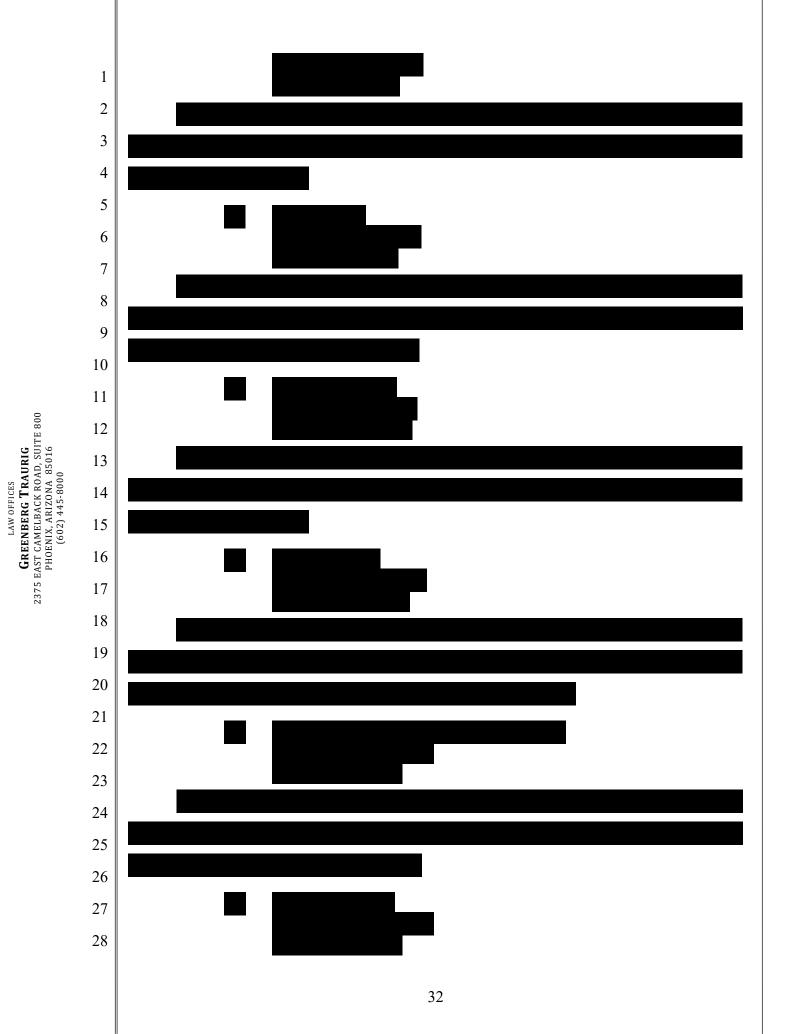




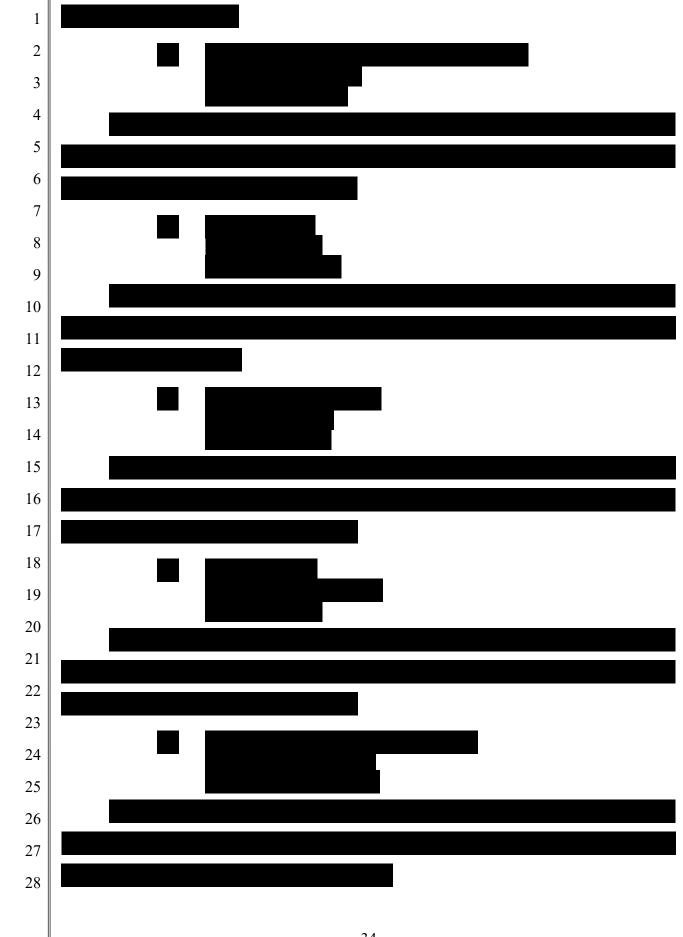


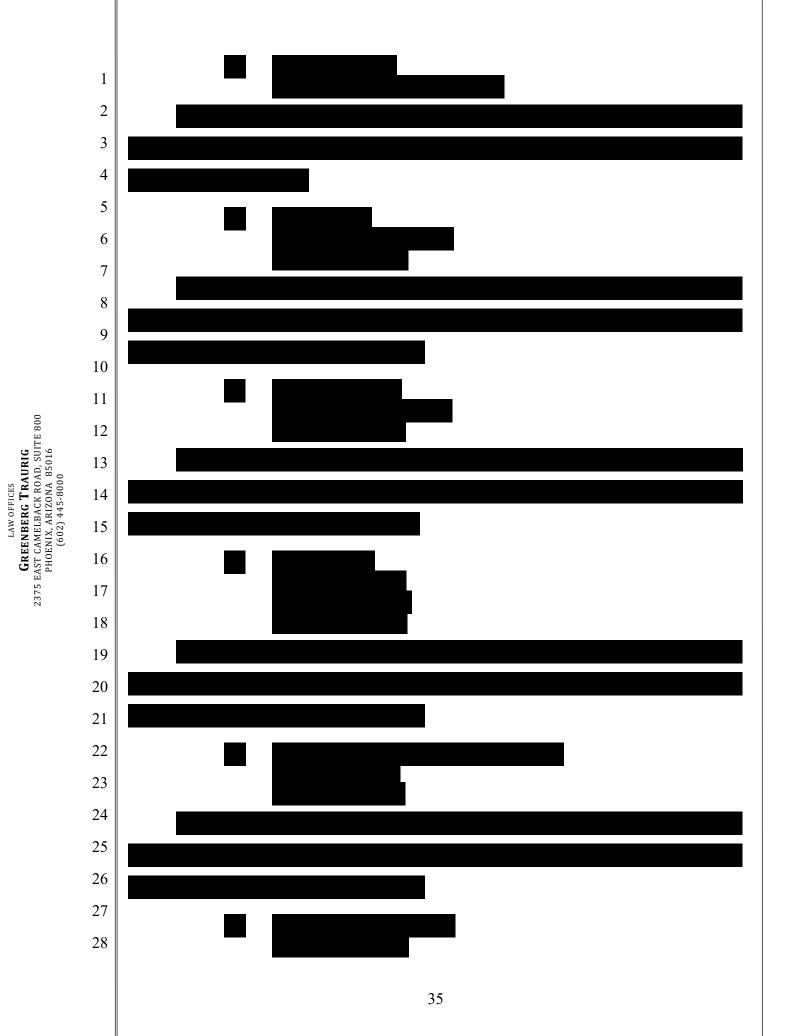


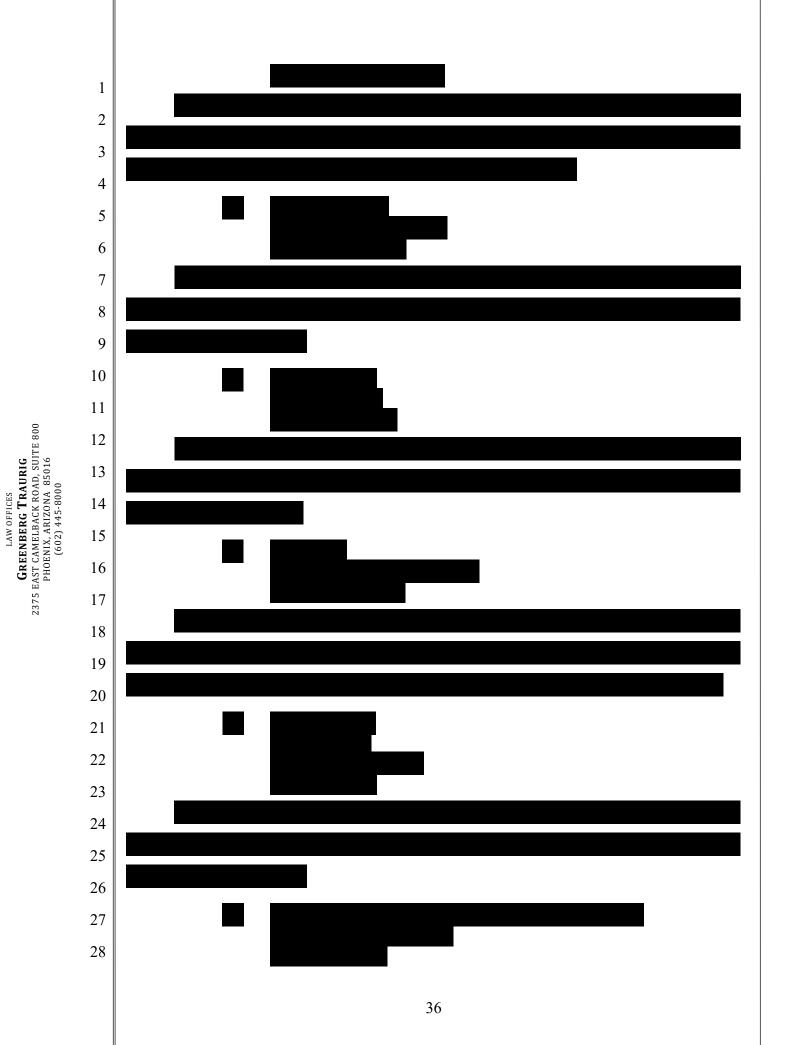


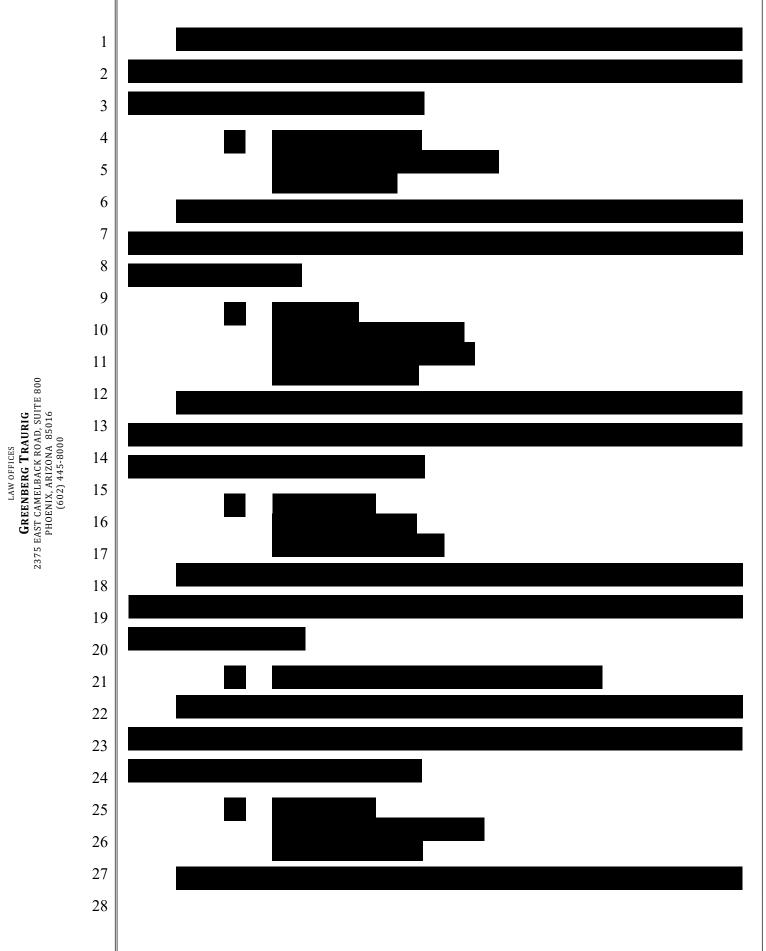


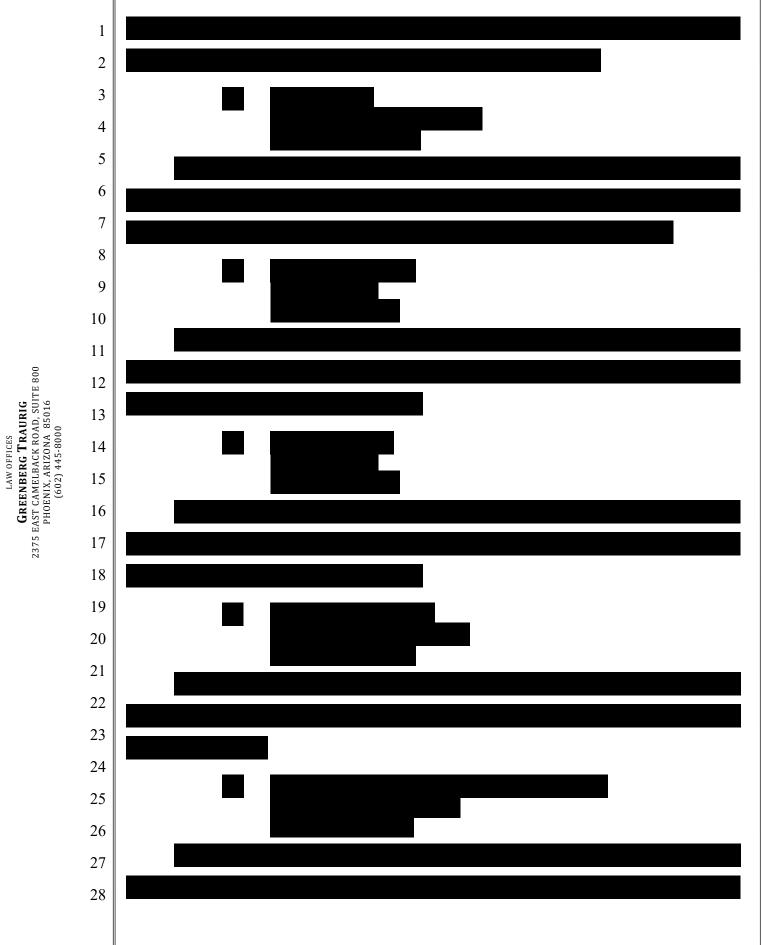


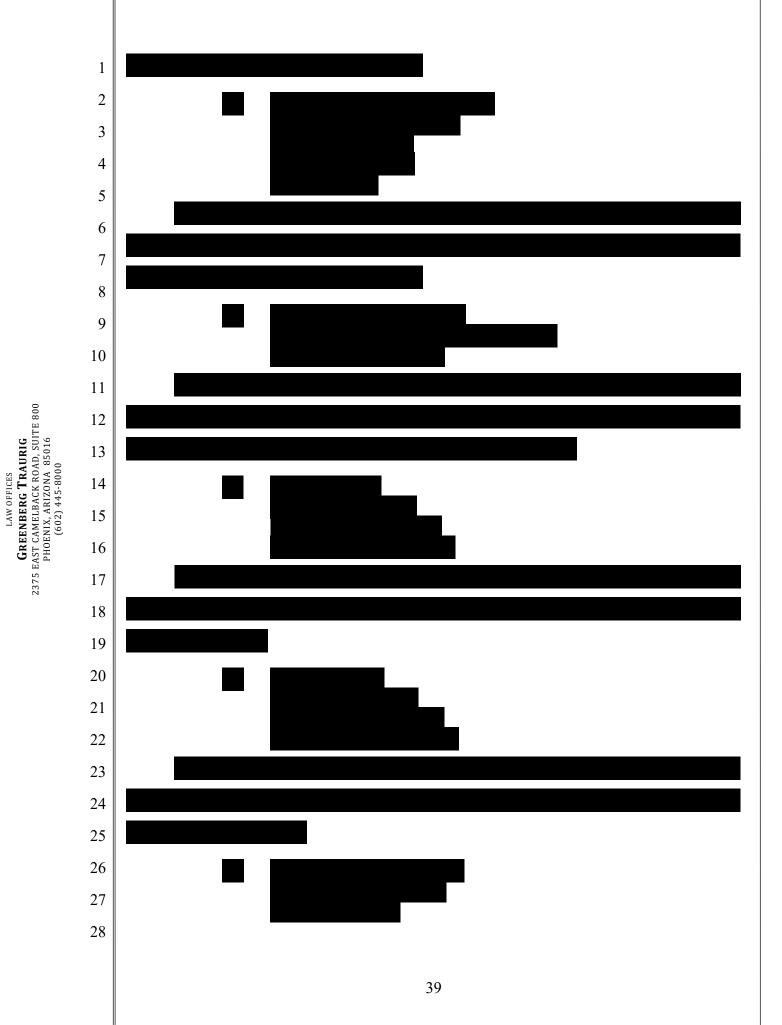


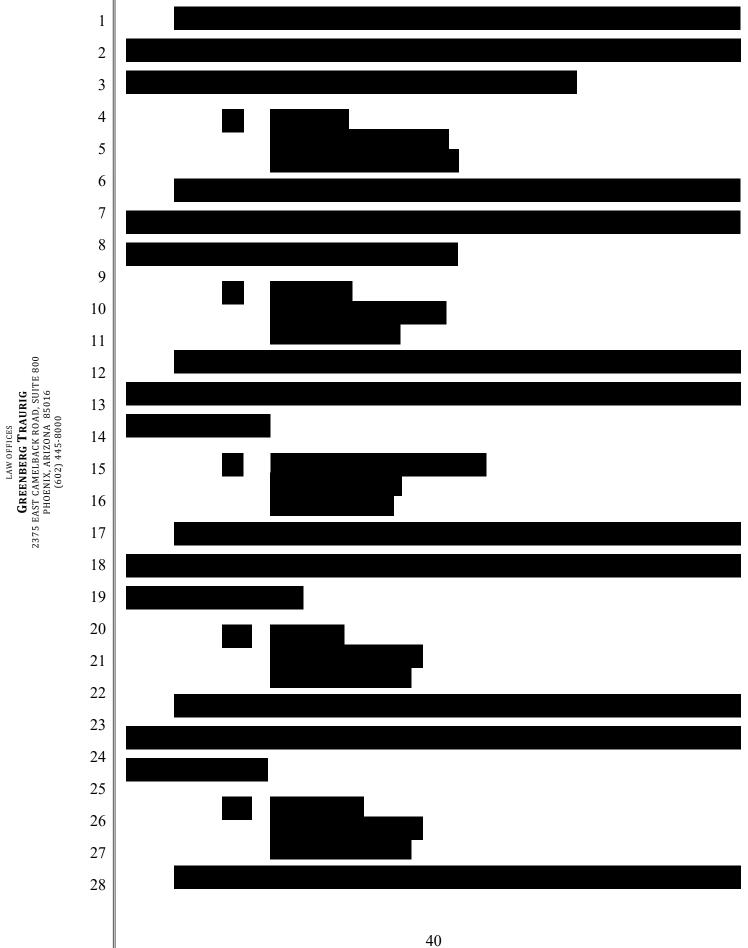


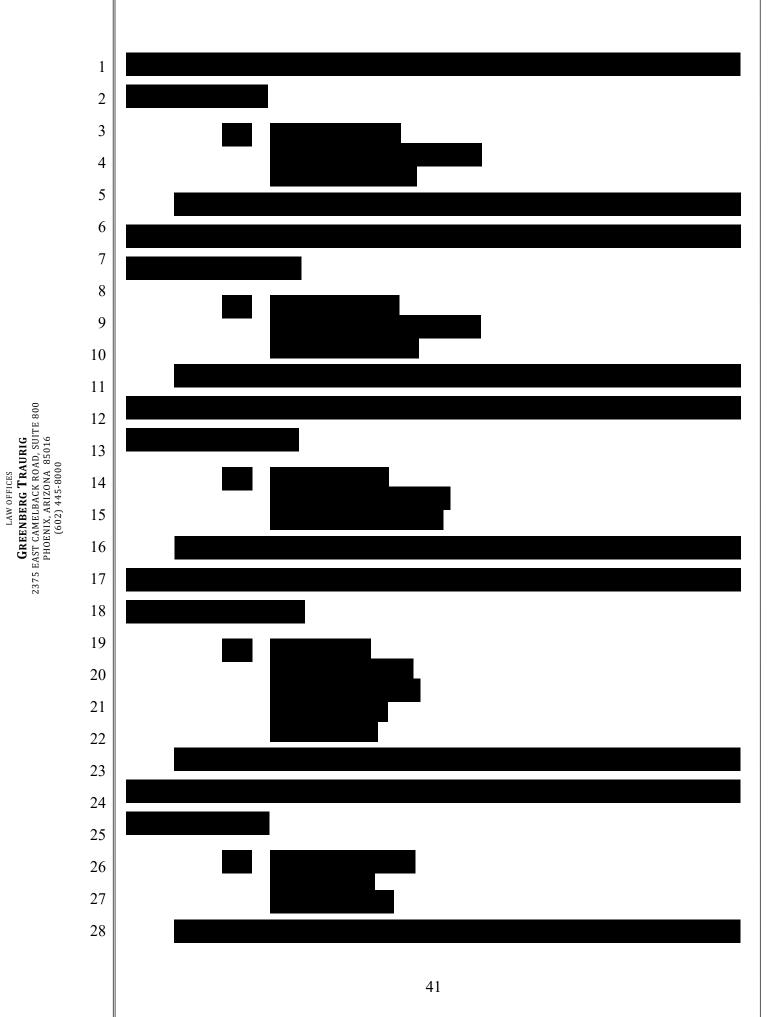


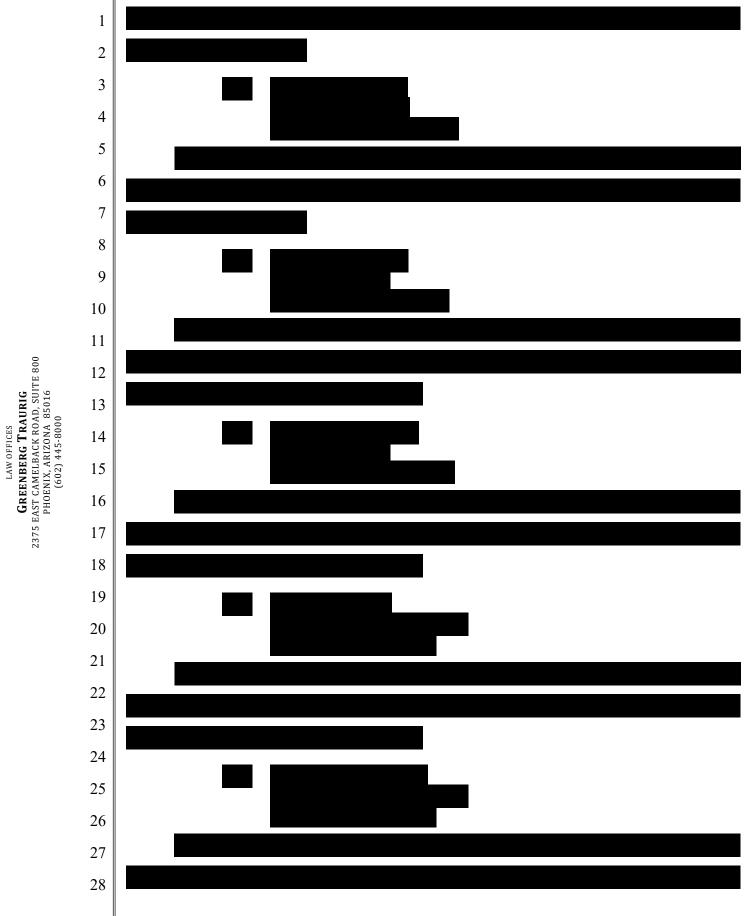


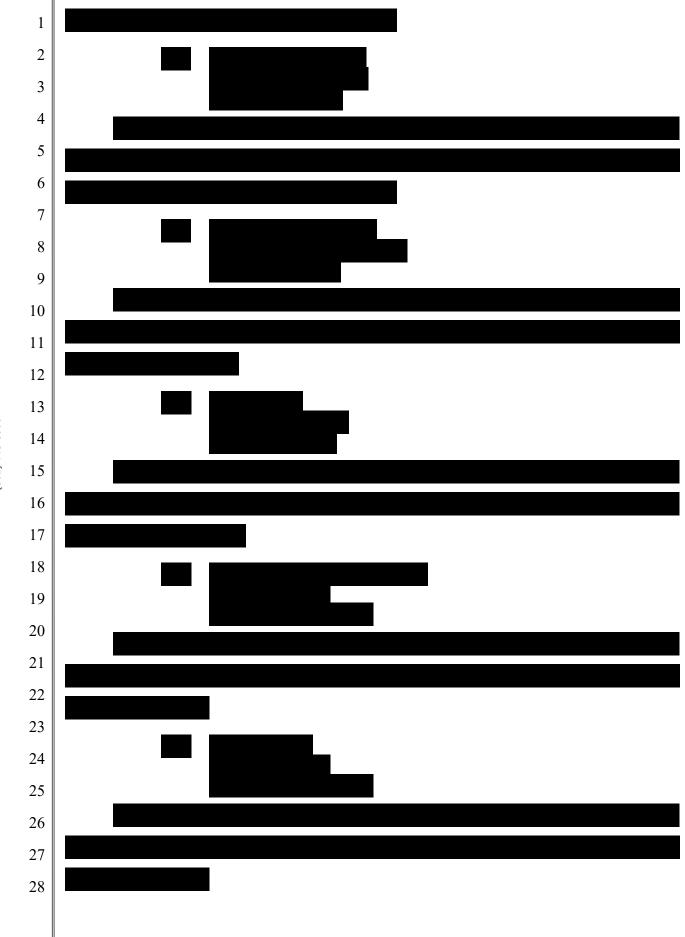












### C. DenSco Borrowers and Persons Affiliated with Them117. Luigi Amoroso

(contact information to be added)

Mr. Amoroso worked with Menaged in bidding on and acquiring properties subject to foreclosure.

### 118. Veronica Castro (contact information to be added)

Mr. Castro was Scott Menaged's assistant and has knowledge of deeds, mortgages and other instruments signed by Menaged during 2013 that she notarized.

### 119. Jeffrey C. Goulder Stinson Leonard Street LLP 1850 N. Central Avenue, Suite 1200 Phoenix, AZ 85004 (602) 212-8531

Mr. Goulder is an attorney who represented Scott Menaged in connection with the Term Sheet and Forbearance Agreement. He is believed to have knowledge of those agreements and his communications with Mr. Beauchamp.

### 120. Cody Jess Schian Walker PLC 1850 N. Central Avenue, Suite 900 Phoenix, AZ 85004 (602) 277-1501

Mr. Jess is an attorney who represented Scott Menaged in a bankruptcy proceeding. He is believed to have knowledge of that proceeding and of his communications with Mr. Beauchamp relating to the proceeding.

### 121. Victor Gojcaj (contact information to be supplemented)

Mr. Gojcaj was a DenSco borrower. It is expected that he has knowledge of DenSco's lending practices, business practices and DenSco's relationship with Menaged. It is also expected that Mr. Gojcaj would testify in accordance with his deposition testimony in the *Clark Hill* Action.

1	122.	Christopher Hughes (contact information to be supplemented)
2	Mr. Hughes	was a DenSco borrower. It is expected that he has knowledge of
3	DenSco's lending pr	ractices, business practices and DenSco's relationship with Menaged.
4	123.	Scott Menaged
5	123.	c/o Molly Patricia Brizgys
6		2210 S. Mill Avenue, Suite 7A Tempe, AZ 85282
7		(602) 460-9013
8	Mr. Menaged has knowledge of the frauds alleged by the Receiver, his role in the	
9	fraud, and DenSco's	s knowledge of the fraud.
10	D. Clark	Hill Attorneys and Employees
11	124.	Robert Anderson
12		c/o John DeWulf Coppersmith Brockelman, PLC
13		2800 N. Central Avenue, Suite 1200
14	Consistent w	Phoenix, AZ 85004
15	Consistent with his deposition testimony, Mr. Anderson has knowledge that he did	
16	not undertake any effort to advise DenSco about deficiencies in its lending practices during	
17	January 2014, as Mr. Beauchamp claimed in his deposition. Mr. Anderson may testify on	
18	other matters addres	sed during his deposition.
19	125.	Lindsay Grove c/o John DeWulf
20		Coppersmith Brockelman, PLC
21		2800 N. Central Avenue, Suite 1200 Phoenix, AZ 85004
22	Ms. Grove i	s a legal assistant who worked with David Beauchamp during the
23		and is believed to have knowledge of certain documents received or
24	sent by Mr. Beaucha	-
25		•
26	126.	Ryan Lorenz c/o John DeWulf
27		Coppersmith Brockelman, PLC 2800 N. Central Avenue, Suite 1200
28		Phoenix, AZ 85004
l.	1	

Mr. Lorenz will testify about the proofs of claim he submitted to the Receiver in June 2017, his accompanying affidavit, and the information contained therein.

127. Darra Lynn Rayndon c/o John DeWulf

Ms. Rayndon is an attorney who initiated a probate proceeding on August 4, 2016, in which she and Clark Hill represented Shawna Chittick Heuer in her capacity as the Personal Representative of Denny Chittick's Estate. She is believed to have knowledge of any discussions within Clark Hill that may have occurred regarding conflicts of interest arising from the firm's separate representation of DenSco.

128. Michelle M. Tran
c/o John DeWulf
Coppersmith Brockelman, PLC
2800 N. Central Avenue, Suite 1200
Phoenix, AZ 85004

Coppersmith Brockelman, PLC

Phoenix, AZ 85004

2800 N. Central Avenue, Suite 1200

Ms. Tran will testify about her meeting with David Beauchamp and Shawna Heuer in August 2016, the conflict check conducted by Clark Hill at that time, and her work as counsel to Ms. Heuer and the Estate of Denny Chittick.

Daniel Schenk
c/o John DeWulf
Coppersmith Brockelman, PLC
2800 N. Central Avenue, Suite 1200
Phoenix, AZ 85004

Mr. Schenck will testify that he did not undertake any effort to advise DenSco about deficiencies in its lending practices during January 2014, as Mr. Beauchamp claimed in his deposition. Mr. Schenck may testify about other matters addressed during his deposition.

130. Mark Sifferman
c/o John DeWulf
Coppersmith Brockelman, PLC
2800 N. Central Avenue, Suite 1200

### Phoenix, AZ 85004

Mr. Sifferman, Clark Hill's former Assistant General Counsel, will testify about his actions in reviewing and revising Beauchamp's declaration that was submitted to the Receivership Court, his attendance at the August 18, 2016, hearing, and other matters addressed during his deposition.

131. Ed Hood
c/o John DeWulf
Coppersmith Brockelman, PLC
2800 N. Central Avenue, Suite 1200
Phoenix, AZ 85004

Mr. Hood, Clark Hill's General Counsel, will testify about matters addressed during his deposition.

### E. Bryan Cave Attorneys

132. Ray Burgan (Zenfinity Capital LLC) 14850 N. Scottsdale Road, No. 295 Scottsdale, Arizona, 85254

Mr. Burgan is an attorney who was formerly associated with Bryan Cave and is believed to have knowledge of work he performed for DenSco and David Beauchamp's representation of DenSco while Beauchamp was affiliated with Bryan Cave.

133. Michael DvorenJaburg & Wilk PC3200 N. Central Avenue, Suite 2000Phoenix, Arizona 85012

Mr. Dvoren is an attorney who was formerly associated with Bryan Cave and is believed to have knowledge of work he performed for DenSco and David Beauchamp's representation of DenSco while Beauchamp was affiliated with Bryan Cave.

134. Robert Endicott
Bryan Cave LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102

Mr. Endicott is an attorney who is believed to have knowledge of his

1	communications with David Beauchamp in the summer of 2013 regarding DenSco.	
2	135. Kenneth L. Henderson	
3	Bryan Cave LLP 1290 Avenue of the Americas	
4	New York, NY, 10104	
5	Mr. Henderson is an attorney who is believed to have knowledge of h	
6	communications with David Beauchamp in the summer of 2013 regarding DenSco.	
7	136. Garth Jensen	
8	Sherman & Howard L.L.C. 633 Seventeenth Street, Suite 3000 Denver, CO 80202	
10	Mr. Jensen is an attorney who was formerly associated with Bryan Cave and	
11	believed to have knowledge of his communications with David Beauchamp in the summer	
12	of 2013 regarding DenSco.	
13	137. Logan Miller	
14	Apollo Education Group, Inc. 4025 S. Riverpoint Parkway	
15	Phoenix, AZ 85040	
16	Mr. Miller is an attorney who was formerly associated with Bryan Cave and i	
17	believed to have knowledge of work he performed for DenSco and David Beauchamp's	
18	representation of DenSco while Beauchamp was affiliated with Bryan Cave.	
19	138. Robert Miller	
20	Bryan Cave LLP Two N. Central, Suite 2100	
21	Phoenix, Arizona 85004	
22	Mr. Miller is an attorney who communicated with David Beauchamp in January	
23	2014 in connection with the demand letter described above and is believed to have	
24	knowledge of those communications.	
25	139. Robert Pedersen	
26	Bryan Cave LLP	
27	1290 Avenue of the Americas New York, NY 10104	
28	Mr. Pedersen is an attorney who is believed to have knowledge of his	

1	communications with David Beauchamp in the summer of 2013 regarding DenSco.		
2	140. Nancy Pohl		
3	Gallagher & Kennedy PA 2575 E. Camelback Road, Suite 100		
4	Phoenix, AZ 85016		
5	(602) 530-8052		
6			
7	believed to have knowledge of work she performed for DenSco and David Beauchamp		
8	representation of DenSco while Beauchamp was affiliated with Bryan Cave.		
9	141. Gus Schneider Bryan Case LLP		
10	Two N. Central, Suite 2100		
11	Phoenix, Arizona 85004		
12			
13	believed to have knowledge of work he performed for DenSco and David Beauchamp's		
14	representation of DenSco while Beauchamp was affiliated with Bryan Cave.		
15	142. Elizabeth Snipes Bryan Cave LLP		
16	1700 Lincoln Street, Suite 4100		
17	Denver, CO 80203 (303) 861-7000		
18	Ms. Snipes is an attorney who is believed to have knowledge of her		
19	communication with David Beauchamp in the summer 2013 regarding DenSco.		
20	143. Jonathan Stern		
21	(contact information not known)		
22	Mr. Stern is an attorney who is associated with Bryan Cave and is believed to have		
23	knowledge of work he performed for DenSco and David Beauchamp's representation of		
24	DenSco while Beauchamp was affiliated with Bryan Cave.		
25	144. Randy Wang		
26	Bryan Cave LLP One Metropolitan Square		
27	211 N. Broadway, Suite 3600		
28	St. Louis, MO 63102		

### (314) 259-2000

Mr. Wang is an attorney who is believed to have knowledge of his communication with David Beauchamp in the summer 2013 regarding DenSco.

145. Mark Weakley
Bryan Cave LLP
One Boulder Plaza
1801 13<sup>th</sup> Street, Suite 300
Boulder, CO 80302
(303) 444-5955

Mr. Weakley is an attorney who is believed to have knowledge of his communication with David Beauchamp in the summer 2013 regarding DenSco.

### F. Gammage & Burnham Attorneys

146. Christopher L. Raddatz
 Gammage & Burnham, PLC
 Two N. Central Avenue, 15th Floor
 Phoenix, AZ 85004

Mr. Raddatz is an attorney who represented the Estate of Denny Chittick and Shawna Chittick Heuer in her capacity as the Personal Representative of Denny Chittick's Estate.

147. Kevin R. Merritt
Gammage & Burnham, PLC
Two N. Central Avenue, 15<sup>th</sup> Floor
Phoenix, AZ 85004

Mr. Merritt is an attorney who is believed to have knowledge about work he performed in 2007 for DenSco regarding its loan agreements, and his interactions with David Beauchamp in August, September and October 2016, and the securing and retention of DenSco corporate records and computer equipment.

James F. Polese
 Gammage & Burnham, PLC
 Two N. Central Avenue, 15<sup>th</sup> Floor
 Phoenix, AZ 85004

Mr. Polese is an attorney who is believed to have knowledge about actions he took in August, September and October 2016 as counsel to the Estate of Denny Chittick and

Shawna Chittick Heuer in her capacity as the Personal Representative of Denny Chittick's Estate, his interactions with David Beauchamp, the August 18, 2016, receivership hearing, and the securing and retention of DenSco corporate records and computer equipment.

G. Persons Affiliated with the Arizona Corporation Commission, Securities Division

149. Gary Clapper

149. Gary Clapper 1300 W. Washington, Third Floor Phoenix, AZ 85007

Mr. Clapper is Chief Investigator, Arizona Corporation Commission, Securities Division. He is believed to have knowledge of the ACC's investigation of DenSco in August 2016, events leading to the ACC's filing of an application for a preliminary injunction and the appointment of a receiver, and his communications with Mr. Beauchamp.

150. Wendy Coy 1300 W. Washington, Third Floor Phoenix, AZ 85007

Ms. Coy is Director of Enforcement, Arizona Corporation Commission, Securities Division. She is believed to have knowledge of the ACC's investigation of DenSco in August 2016, events leading to the ACC's filing of an application for a preliminary injunction and the appointment of a receiver, her communications with Mr. Beauchamp.

### H. Receiver, Employees and Attorneys

151. Peter S. Davis
c/o Colin Campbell and Geoffrey Sturr
Osborn Maledon, P.A.
2929 N. Central Avenue, Suite 2100
Phoenix, AZ 85012

Mr. Davis is the receiver appointed for DenSco and acts on DenSco's behalf and in DenSco's stead as the Plaintiff in this action. The Chase Defendants anticipate that Mr. Davis will testify regarding the facts and circumstances surrounding Plaintiffs' allegations, his lack of personal knowledge thereof, and alleged damages.

1	152. Sara Beretta c/o Colin Campbell and Geoffrey Sturr		
2	Osborn Maledon, P.A. 2929 N. Central Avenue, Suite 2100		
3	Phoenix, AZ 85012		
4	Ms. Beretta may be called to lay foundation for certain DenSco corporate records		
5	and/or actions undertaken by the Receiver.		
6 7	I. Lenders Who Negotiated with Chittick and Menaged During January 2014		
8	153. Craig Cardon		
9	(contact information to be added)		
	Mr. Cardon is a member of Azben Limited, LLC and is believed to have knowledge		
10	of his communications with Chittick and Menaged and the fraud perpetrated by Menaged.		
11 12	154. Daniel Diethelm (contact information to be added)		
13	Mr. Diethelm is a manager of Geared Equity, LLC and is believed to have		
14	knowledge of his communications with Chittick and Menaged and the fraud perpetrated by		
15	Menaged.		
16 17	155. Lynn Hoebing (contact information to be added)		
18	Mr. Hoebing is a manager of 50780, LLC and is believed to have knowledge of his		
19	communications with Chittick and Menaged and the fraud perpetrated by Menaged.		
20	J. Other Persons		
21	156. Rick Carney		
22	(contact information to be supplemented)		
23	Mr. Carney was formerly affiliated with Quarles & Brady and provided legal services		
24	to DenSco. He is believed to have knowledge of those services and his communications with		
25	Denny Chittick and David Beauchamp relating to those services.		
26	157. Custodian of Records for Bryan Cave (contact information to be supplemented)		
27	The Chase Defendants anticipate calling a representative of Bryan Cave to		
28			

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2375 EAST CAMELBACK ROAD, SUITE 800 PHOENIX, ARIZONA 85016 (602) 445-8000

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authenticate records produced by Bryan Cave in response to a subpoena.

158. Person to Authenticate Electronically Stored Information (contact information to be supplemented)

To the extent necessary, the Chase Defendants anticipate calling a forensic computer expert as a witness to authenticate documents maintained on computer devices used by Denny Chittick in order to lay foundation for business records and contemporaneous recording of information.

159. Persons Who Have Been Deposed

The Chase Defendants reserve the right to call any witness, in addition to those listed above, who has been deposed in this matter.

### K. Menaged and Related Persons Who May Have Knowledge Concerning Menaged's Businesses and Conduct

- 160. Alberto Pena
- 161. Troy Flippo
- 162. Joseph Menaged
- 163. Michelle Menaged
- 164. Jennifer Bonfiglio
- 165. Joy Menaged
- 166. Jess Menaged
- 167. John Ray

### L. Chittick Related Persons Who May Have Knowledge Concerning Chittick's Running of Densco and His Dealings with Menaged

- 168. Eldon Chittick Chittick's father
- 169. Carleen Chittick
- 170. Sharla Chittick Chittick's sister
- 171. Ranasha Chittick Chittick's ex wife

### M. Reichman/Active Funding Group

172. Gregg Seth Reichman

**DenSco/Menaged Title and Escrow Companies** 

Ellen Bolduc (Suburban Mort)

Gregg Seth Debbie Pihl (Magnus Title)

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Phoenix, Arizona 85016

1	Ms. Khoo is	s a former Chase employee who has knowledge of certain facts and	
2	events as set forth in her deposition testimony.		
3	181.	Padraic Friel	
4		c/o Nicole M. Goodwin Greenberg Traurig, LLP	
5		2375 East Camelback Road, Suite 800 Phoenix, Arizona 85016	
6	Mr. Friel is	a former Chase employee who may have knowledge regarding the	
7	review of AZHF's account information.		
8	182.	Eric Mruczek	
9	1921	c/o Nicole M. Goodwin	
10		Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800	
11		Phoenix, Arizona 85016	
12	Mr. Mruczel	k is a former Chase employee who may have knowledge regarding the	
13	review of AZHF's account information.		
14	183.	Robyn DeAngelis	
15		c/o Nicole M. Goodwin Greenberg Traurig, LLP	
16		2375 East Camelback Road, Suite 800 Phoenix, Arizona 85016	
17	Ms. DeAnge	elis is a former Chase employee who may have knowledge regarding	
18	the review of AZH	F's account information.	
19	184.	Robert Oven	
20		c/o Nicole M. Goodwin	
21		Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800	
22		Phoenix, Arizona 85016	
23	Mr. Oven is	a former Chase employee who may have knowledge regarding the	
24	review of AZHF's account information.		
25	185.	Kevin Burkhart	
26		c/o Nicole M. Goodwin Greenberg Traurig, LLP	
27		2375 East Camelback Road, Suite 800	
28		Phoenix, Arizona 85016	

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1	Mr. Burkhart	is a former Chase employee who may have knowledge regarding the
2	review of AZHF's a	ccount information.
3	186.	Andrea Johnson
4		c/o Nicole M. Goodwin Greenberg Traurig, LLP
5		2375 East Camelback Road, Suite 800
6	Ms Johnson	Phoenix, Arizona 85016 is a Chase employee who has knowledge of certain facts and events
7	• •	
8		Any witnesses identified by any party in their discovery response or
9		ents disclosed in this litigation.
10		Laura Garcia, Cassandra Sue Garner, Estrella Espinoza, Fernando
11		cha, Daniel Voda, Matthew George Shiner, Irma Salinas, and Jason
12	Wooldridge.	
13	3	c/o Nicole M. Goodwin
14		Greenberg Traurig, LLP 2375 East Camelback Road, Suite 800
15		Phoenix, Arizona 85016
16	The foregoing	g individuals are former Chase employees who may have knowledge
17	of teller transactions	for AZHF.

189. The Chase Defendants reserve the right to supplement this disclosure as appropriate.

### V. THE NAMES AND ADDRESSES OF ALL PERSONS WHO HAVE GIVEN STATEMENTS WHETHER WRITTEN OR RECORDED, UNSIGNED, AND THE **CUSTODIANS** OF **COPIES STATEMENTS**

Defendants Vikram Dadlani and Samantha Nelson were deposed by counsel for the Receiver in connection with the Clark Hill Action, copies of which were made available to both the Receiver and counsel for the Chase Defendants shortly after the deposition. Vikram Dadlani's and Samantha Nelson's contact information is listed above in § IV.

Mr. Menaged has sat for numerous depositions, transcripts of all of which are

believed to be in the possession of counsel for the Receiver, including depositions for a Rule 2004 examination on October 20, 2016, recorded testimony under questioning from the Receiver's counsel in December 2017, and for the *Clark Hill* Action on September 23, 2019.

### VI. EXPERT WITNESSES

Pursuant to the Scheduling Order in this matter, the Chase Defendants disclose the identity and reports of the following expert witnesses:

1. Keith L. Hendricks 1850 N. Central Ave., Suite 1100 Phoenix, AZ 85004

The expert report of Keith L. Hendricks regarding the standard of care related to David Beauchamp and Clark Hill's legal representation of DenSco. The Chase Defendants anticipate that if deposed or called as a trial witness, Mr. Hendricks will testify consistent with his expert report disclosed on May 20, 2022.

Mark R. Lee
 5998 Alcala Park
 Warren Hall 135
 San Diego, CA 92110

The expert report of Mark R. Lee regarding DenSco's breaches of various securities laws and David Beauchamp and Clark Hill's failures to properly advise DenSco. The Chase Defendants anticipate that if deposed or called as a trial witness, Mr. Lee will testify consistent with his expert report disclosed on May 20, 2022.

3. Jack W. Hilton 11024 N. 28th Dr. #170 Phoenix, AZ 85029

The expert report of Jack W. Hilton regarding industry practices and standards of the private and hard money lending industries. The Chase Defendants anticipate that if deposed or called as a trial witness, Mr. Hilton will testify consistent with his expert report disclosed on May 20, 2022.

The Chase Defendants reserve the right to name one or more expert witnesses at a

later date in accordance with the schedule set in this matter.

### VII. A COMPUTATION AND MEASURE OF DAMAGES

The Chase Defendants deny all damages and remedies claimed by DenSco.

The Chase Defendants reserve the right to seek their attorneys' fees and costs associated with this suit, if allowed by law.

### VIII. THE EXISTENCE, LOCATION, CUSTODIAN, AND GENERAL DESCRIPTION OF ANY TANGIBLE EVIDENCE OR RELEVANT DOCUMENTS THE CHASE DEFENDANTS PLAN TO USE AT TRIAL AND RELEVANT INSURANCE AGREEMENT

The Chase Defendants have not yet determined what their trial exhibits will be and will supplement this disclosure as appropriate. The Chase Defendants anticipate that their trial exhibits may include the documents listed below in § IX of this disclosure, and any supplements and amendments thereto, as well as:

- 1. All documents attached to or referenced in all pleadings and motions in this matter;
- 2. All documents attached to or referenced in any party's disclosure statements in this matter, and any supplements thereto;
- 3. All discovery responses, including documents produced in response to requests for production or subpoenas duces tecum;
  - 4. All deposition transcripts and exhibits; and
- 5. All exhibits listed by all other parties in their disclosure statements, and any supplements and amendments thereto, to which the Chase Defendants do not otherwise object, whether withdrawn or not.

In the event any information and documents protected by the attorney-client privilege and/or work product doctrine are disclosed or produced, such disclosure or production is purely inadvertent and not a knowing and intentional waiver of such privilege. In the event any information and documents protected by the attorney-client privilege and/or work product doctrine are disclosed or produced, the Chase Defendants request immediate notification thereof by the other parties and/or their attorneys to the

Chase Defendants' counsel pursuant to and as required by ABA Formal Opinion 05-437 (October 1, 2005) and ER 4.4(b), Arizona Rules of Professional Conduct.

### IX. A LIST OF DOCUMENTS, OR IN THE CASE OF VOLUMINOUS DOCUMENTARY INFORMATION, A LIST OF THE CATEGORIES OF DOCUMENTS THAT MAY BE RELEVANT TO THIS ACTION

The Chase Defendants possess the following documents which they believe may be relevant to the issues raised in the complaint:

	DESCRIPTION	BATES RANGE
1.	Documents and communications produced in response to subpoenas issued in the <i>Clark Hill</i> Action	JPMC_0000001 to JPMC_0001187
2.	Account statements and records produced in responses to subpoenas previously issued by the Receiver	N/A
3.	Receiver's Statement of Facts in Support of Motion for Determination that Plaintiff Has Made a Prima Facie Case for Punitive Damages	N/A
4.	DenSco's 2013 Corporate Journal	N/A
5.	DenSco's 2014 Corporate Journal	N/A
6.	DenSco's 2015 Corporate Journal	N/A
7.	DenSco's 2016 Investor Letter	N/A
8.	Additional Documents produced in response to the Receiver's Second Request for the Production of Documents	JPMC_0001188 to JPMC_0001240
9.	Chase Employee Files	JPMC_0001241 to JPMC_0001286
10.	Chase Policies & Procedures	JPMC_0001287 to JPMC_0001349
11.	Chase Employee Susan Lazar Employee Files and Communications	JPMC_0001350 to JPMC_0001999
12.	Additional Internal Chase Communications	JPMC_0002000 to JPMC_0002049
13.	Chase Policies & Procedures regarding Deposit Account Holds	JPMC_0002050 to JPMC_0002080
14.	Chase Policies & Procedures regarding Account Limit Increases	JPMC_0002081 to JPMC_0002645

	DESCRIPTION	BATES RANGE			
15.	Chase Organization Charts	JPMC_0002646 to JPMC_0002647			
16.	Chase Job Descriptions	JPMC_0002648 to JPMC_0002657			
17.	Chase Currency Transaction Reports	JPMC_0002658 to JPMC_0002686			
18.	Additional Chase Policies & Procedures regarding Deposit Holds	JPMC_0002687 to JPMC_0002756			
19.	Chase Policies & Procedures regarding Know Your Customer (KYC)	JPMC_0002757 to JPMC_0006181			
20.	Scott Menaged's Chase Auto Loan Records	JPMC_0006182 to JPMC_0006229			
21.	Arizona Home Foreclosures, LLC Chase Loan Documents	JPMC_0006230 to JPMC_0006329			
22.	Susan Lazar Training Records	JPMC_0006330			
23.	Samantha Nelson Training Records	JPMC_0006331			
24.	Vikram Dadlani Training Records	JPMC_0006332 to JPMC_0006343			
25.	Account Review Records	JPMC_0006344 to JPMC_0006368			
26.	Additional Chase Policies & Procedures	JPMC_0006369 to JPMC_0006394			
27.	KYC Profiles for Arizona Home Foreclosures and Scott Menaged	JPMC_0006395 to JPMC_0006440			
28.	Chase Account Statements and Supporting Documents for Arizona Home Foreclosures	JPMC_0006441 to JPMC_0011594			
29.	Additional Account Review Records	JPMC_0011595 to JPMC_0013273			
30.	Natively produced excel spreadsheet titled 5682558. YomtovMenaged (previously produced in PDF format as JPMC 0011595 to JPMC 0011606, JPMC 0012683 to JPMC 0012698)	JPMC_0013274			

	DESCRIPTION	BATES RANGE
31.	Natively produced excel spreadsheet 5682558 AlexanderGil_05_08_2014 (previously produced in PDF format as JPMC_0011607 to JPMC_0011615, JPMC_0012699 to JPMC_0012702, JPMC_0012699 to JPMC_0013049, JPMC_0013183 to JPMC_0013186)	JPMC_0013275
32.	Embedded Adobe Document from natively produced excel spreadsheet 5682558_AlexanderGil_05_08_2014, "Supporting Documentation" tab	JPMC_0013276
33.	Embedded Word Document natively produced excel spreadsheet 5682558_AlexanderGil_05_08_2014, "Disposition" tab	JPMC_0013277 to JPMC_0013279
34.	Natively produced excel spreadsheet titled 5959578-CWI 0001179914 ARIZONA HOME FORECLOSURES, LLC (previously produced in PDF format at JPMC 0011625, JPMC 0011632 to JPMC 0011633, JPMC 0011791 to JPMC 0011912, JPMC 0013050 to JPMC 0013067, JPMC 0013157 to JPMC 0013182)	JPMC_0013280
35.	Redacted Image from natively produced excel spreadsheet titled 5959578-CWI 0001179914_ARIZONA HOME FORECLOSURES, LLC, "Supporting Documents" tab	JPMC_0013281
36.	Redacted Image from natively produced excel spreadsheet titled 5959578-CWI 0001179914 ARIZONA HOME FORECLOSURES, LLC, "SONAR" tab	JPMC_0013282
37.	Natively produced excel spreadsheet titled 5959578-CWI_0001576614_ARIZONA HOME FORECLOSURES, LLC (JPMC_0011626 to JPMC_0011631, JPMC_0011913 to JPMC_0012031, JPMC_0012571 to JPMC_0012595, JPMC_0013068 to JPMC_0013069, JPMC_0013241 to JPMC_0013271)	JPMC_0013283
38.	Redacted Images from natively produced excel spreadsheet titled 5959578-CWI 0001576614 ARIZONA HOME FORECLOSURES, LLC, "Supporting Documents" tab	JPMC_0013284 to JPMC_0013286
39.	Natively produced excel spreadsheet titled 5959578-CWI 00007368865 ARIZONA HOME FORECLOSURES, LLC (previously produced in PDF format as JPMC_0011634 to JPMC_0011790, JPMC_0013187 to JPMC_0013195, JPMC_0013233 to JPMC_0013240, JPMC_0013272 to JPMC_0013273)	JPMC_0013287

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40.	Redacted Images from natively produced excel spreadsheet titled 5959578-CWI 00007368865 ARIZONA HOME FORECLOSURES, LLC, "Supporting Documents" tab	JPMC_0013288 to JPMC_0013289
41.	Redacted Images from natively produced excel spreadsheet titled 5959578-CWI_00007368865_ARIZONA HOME FORECLOSURES, LLC, "Additional Searches" tab	JPMC_0013290 to JPMC_0013291
42.	Natively produced excel spreadsheet titled 6291750-CWI_NA_0003584528_Burkhart_Kevin_10172014(1) (previously produced in PDF format as JPMC_0011620, JPMC_0012032 to JPMC_0012286, JPMC_0013070 to JPMC_0013086, JPMC_0013155 to JPMC_0013156, JPMC_0013196 to JPMC_0013232)	JPMC_0013292
43.	Redacted Images from natively produced excel spreadsheet titled 6291750-CWI_NA_0003584528_Burkhart_Kevin_10172014(1), "Supporting Documents" tab	JPMC_0013293 to JPMC_0013296
44.	Redacted Images from natively produced excel spreadsheet titled 6291750- CWI_NA_0003584528_Burkhart_Kevin_10172014(1), "Overview" tab	JPMC_0013297
45.	Redacted Images from natively produced excel spreadsheet titled 6291750-CWI_NA_0003584528_Burkhart_Kevin_10172014(1), "Investigative Documents" tab	JPMC_0013298 to JPMC_0013301
46.	Natively produced excel spreadsheet titled 6612803-ARIZONA HOME (previously produced in PDF format as JPMC 0011616 to JPMC 0011619, JPMC 0011621 to JPMC 0011624, JPMC 0012287 to JPMC 0012570, JPMC 0012596 to JPMC 0012597, JPMC 0013087 to JPMC 0013153)	JPMC_0013302
47.	Chase 2014 Annual AML Training	JPMC_0013303 to JPMC_0013429
48.	J. Molina Training Records	JPMC_0013430 to JPMC_0013432
49.	J. Molina account review records	JPMC_0013433 to JPMC_0013443
50.	Various HUD-1 Settlement Statements received from Receiver's Document Depository	JPMC- Receiver_0000001 to JPMC- Receiver_0000068

	DESCRIPTION	BATES RANGE
51.	Arizona Home Foreclosures Chase Account-Opening Documents	JPMC_0013444 to JPMC_0013453
	Chittick and Yomtov Scott Menaged, Arizona Corporation Commission v. Densco Investment Corporation, Case No. CV2016-014142	JPMC- Receiver_0000069 to JPMC- Receiver_0000202
53.	Email from B. Pearson to G. Bolling re: Arizona Home Foreclosure, LLC dated April 23, 2015	JPMC_0013454

The Chase Defendants may be in possession of additional documents relevant to this action. The Chase Defendants respectfully submit that the Receiver, through its investigation and through discovery in the *Clark Hill* Action is in possession of voluminous documents that may be relevant to the claims and defenses in this action. The Chase Defendants reserve the right to identify additional documents and to amend or supplement this disclosure statement accordingly.

### X. SOURCES

As provided in Rule 26.1, this disclosure includes required disclosures of information and documents in the Chase Defendants' possession, custody, and control at this time, and such required information and documents as have been ascertained or acquired by reasonable inquiry to date. The Chase Defendants base their disclosure, in part, on information from documents and witnesses, and this disclosure is not a party statement or admission by the Chase Defendants. The Chase Defendants reserve the right to supplement or amend this disclosure.

Dated this 26th day of January, 2023.

GREENBERG TRAURIG, LLP

By: <u>/s/ Nicole M. Goodwin</u> Nicole M. Goodwin

Attorney for Defendants JPMorgan Chase Bank, N.A., Samantha Nelson, Kristofer Nelson, Vikram Dadlani, and Jane Doe Dadlani

Attorneys for U.S. Bank National Association

COPY of the foregoing served via E-Mail and U.S. Mail this 26th day of January, 2023 to:

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Colin F. Campbell

### and Hilda Chavez and John Doe Chavez

/s/ Amy Hershberger

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