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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,

Plaintiff,

v.

U.S. Bank, NA, et al.,

Defendants

No. CV2019-011499

**NOTICE OF FILING OF
SUPPLEMENTAL AUTHORITY**

(Assigned to the Honorable
Dewain D. Fox)

Plaintiff gives notice of the following supplemental authorities:

Adverse Domination Rule for Tolling Statute of Limitations

1. *Fed. Deposit Ins. Corp. v. Jackson*, 133 F.3d 694 (9th Cir. 1998) (Arizona would follow the adverse domination rule for tolling statute of limitations)
2. *RTC v. Blasdell*, 930 F. Supp. 417 (D. Ariz. 1994) (Arizona would follow the adverse domination rule for tolling statute of limitations)
3. *Tovrea Land & Cattle Co. v. Linsenmeyer*, 100 Ariz. 107 (1966) (noting that fraudulent concealment and adverse domination are different tolling theories)

Justifiable Reliance in Common Law Fraud

4. RESTATEMENT (SECOND) OF TORTS § 545A cmt. b (1977) (“[a]lthough the plaintiff’s reliance on the misrepresentation must be justifiable . . . this does not mean that his conduct must conform to the standard of the reasonable man.



1 Justification is a matter of the qualities and characteristics of the particular
2 plaintiff, and the circumstances of the particular case, rather than of the
3 application of a community standard of conduct to all cases.”)

4 **Continuity**

5 5. *H.J., Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 239 (1989) (Judge Scalia
6 wrote in his concurring opinion that it would be absurd to say that “at least a
7 few months of racketeering activity . . . is generally for free, as far as RICO is
8 concerned.” *Id.* at 254. Therefore, if the predicate acts involve a distinct threat
9 of long-term racketeering activity, either implicit or explicit, a RICO pattern is
10 established. *Id.* at 242.)

11 DATED this 20th day of September, 2023.

12 OSBORN MALEDON, P.A.

13
14 By /s/Colin F. Campbell

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26 Honorable Dewain D. Fox*
27 Maricopa County Superior Court
28 101 West Jefferson, ECB-412
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