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Association and Hilda H. Chavez*

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

**ANSWER TO FIRST AMENDED
COMPLAINT**

(Assigned to the Hon. Daniel Martin)

Defendants U.S. Bank National Association and Hilda H. Chavez (collectively, the
“U.S. Bank Defendants”) for their Answer to the First Amended Complaint of Peter S.
Davis as the Receiver of DenSco Investment Corporation (“DenSco”), admit, deny, and
allege as follows:

INTRODUCTION

Answering the Introduction, the U.S. Bank Defendants admit that Menaged is in
federal prison, and admit that Plaintiff has filed suit to recover damages. The U.S. Bank
Defendants deny the remaining allegations.

PARTIES, JURISDICTION, AND VENUE

1
2 1. Answering Paragraph 1, upon information and belief, the U.S. Bank
3 Defendants admit that DenSco was an investment company that raised money from
4 investors to make short term loans for buying homes in foreclosure proceedings. The U.S.
5 Bank Defendants are without knowledge or information sufficient to form a belief as to
6 the truth of the allegations concerning the definition of “hard money loans” and
7 “foreclosure specialists” as quoted without definition in the First Amended Complaint
8 and, on that basis, deny the allegations. Further responding to Paragraph 1, the U.S. Bank
9 Defendants are without knowledge or information sufficient to form a belief as to the truth
10 of the allegations concerning the amount of interest DenSco would charge all of its
11 borrowers, nor the terms upon which its money was lent, nor the total amount of money
12 that DenSco raised at any time and, on those bases, denies those allegations. The U.S.
13 Bank Defendants deny any remaining allegations.

14 2. Answering Paragraph 2, the U.S. Bank Defendants are without knowledge
15 or information sufficient to form a belief as to the truth of the allegations concerning the
16 time period that Denny J. Chittick served as the sole owner, shareholder, and operator of
17 DenSco and, on that basis, denies that allegation. Further responding, the U.S. Bank
18 Defendants affirmatively allege that, in some of DenSco’s publicly available filings
19 through the Arizona Corporation Commission, Chittick was designated as DenSco’s
20 President, Vice President, Treasurer, and Secretary, but other filings designated Chittick
21 only as President. Accordingly, the U.S. Bank Defendants are without knowledge or
22 information sufficient to form a belief as to the truth of the allegations concerning
23 Chittick’s officer role in DenSco and whether he was its only employee and, on those
24 bases denies those allegations. The U.S. Bank Defendants deny any remaining
25 allegations.

26 3. Answering Paragraph 3, upon information and belief, the U.S. Bank
27 Defendants admit the allegations.
28

1 4. Answering Paragraph 4, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 5. Answering Paragraph 5, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations concerning the
6 Receiver's determinations as to the claims that DenSco may have and on that basis, denies
7 those allegations. Further responding to Paragraph 5, the U.S. Bank Defendants deny that
8 DenSco has any claims against the U.S. Bank Defendants for aiding and abetting
9 Menaged's alleged fraudulent scheme.

10 6. Answering Paragraph 6, the U.S. Bank Defendants admit the allegations.

11 7. Answering Paragraph 7, the U.S. Bank Defendants admit that Hilda Chavez
12 resides in Maricopa County, Arizona, but lacks knowledge or information sufficient to
13 form a belief as to what time periods DenSco contends are material. The U.S. Bank
14 Defendants deny any remaining allegations.

15 8. Answering Paragraph 8, the U.S. Bank Defendants deny the allegations.

16 9. Answering Paragraph 9, upon information and belief, the U.S. Bank
17 Defendants admit the allegations.

18 10. Answering Paragraph 10, the U.S. Bank Defendants are without knowledge
19 or information sufficient to form a belief as to the truth of the allegations and on that
20 basis, deny the allegations.

21 11. Answering Paragraph 11, the U.S. Bank Defendants are without knowledge
22 or information sufficient to form a belief as to the truth of the allegations and on that
23 basis, deny the allegations.

24 12. Answering Paragraph 12, the U.S. Bank Defendants are without knowledge
25 or information sufficient to form a belief as to the truth of the allegations and on that
26 basis, deny the allegations.

13. Answering Paragraph 13, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

14. Answering Paragraph 14, the U.S. Bank Defendants admit that jurisdiction is proper under the cited constitutional and statutory provisions. The U.S. Bank Defendants deny any remaining allegations.

15. Answering Paragraph 15, the U.S. Bank Defendants admit that jurisdiction is proper under the cited statutory provision. The U.S. Bank Defendants deny any remaining allegations.

GENERAL ALLEGATIONS

16. Answering Paragraph 16, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

17. Answering Paragraph 17, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

18. Answering Paragraph 18, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

19. Answering Paragraph 19, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

20. Answering Paragraph 20, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

21. Answering Paragraph 21, the U.S. Bank Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis, deny the allegations.

1 22. Answering Paragraph 22, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 23. Answering Paragraph 23, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 24. Answering Paragraph 24, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 25. Answering Paragraph 25, the U.S. Bank Defendants are without knowledge
11 or information sufficient to form a belief as to the truth of the allegations and on that
12 basis, deny the allegations.

13 26. Answering Paragraph 26, the U.S. Bank Defendants are without knowledge
14 or information sufficient to form a belief as to the truth of the allegations and on that
15 basis, deny the allegations.

16 27. Answering Paragraph 27, the U.S. Bank Defendants are without knowledge
17 or information sufficient to form a belief as to the truth of the allegations and on that
18 basis, deny the allegations.

19 28. Answering Paragraph 28, the U.S. Bank Defendants are without knowledge
20 or information sufficient to form a belief as to the truth of the allegations and on that
21 basis, deny the allegations.

22 29. Answering Paragraph 29, the U.S. Bank Defendants are without knowledge
23 or information sufficient to form a belief as to the truth of the allegations and on that
24 basis, deny the allegations.

25 30. Answering Paragraph 30, the U.S. Bank Defendants are without knowledge
26 or information sufficient to form a belief as to the truth of the allegations and on that
27 basis, deny the allegations.
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1 31. Answering Paragraph 31, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 32. Answering Paragraph 32, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 33. Answering Paragraph 33, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 34. Answering Paragraph 34, the U.S. Bank Defendants are without knowledge
11 or information sufficient to form a belief as to the truth of the allegations and on that
12 basis, deny the allegations.

13 35. Answering Paragraph 35, the U.S. Bank Defendants admit, upon
14 information and belief, that DenSco and Menaged entered into a Forbearance Agreement
15 with multiple provisions, providing for certain actions and payments between DenSco and
16 Menaged. The U.S. Bank Defendants are without knowledge or information sufficient to
17 form a belief as to the truth of the remaining allegations and, on that basis, deny the
18 allegations.

19 36. Answering Paragraph 36, the U.S. Bank Defendants deny that the
20 Forbearance Agreement reflects Menaged's indebtedness to DenSco was the amount
21 alleged. The U.S. Bank Defendants are without knowledge or information sufficient to
22 form a belief as to the truth of the remaining allegations and, on that basis, deny the
23 allegations.

24 37. Answering Paragraph 37, the U.S. Bank Defendants are without knowledge
25 or information sufficient to form a belief as to the truth of the allegations and on that
26 basis, deny the allegations.

1 38. Answering Paragraph 38, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 39. Answering Paragraph 39, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 40. Answering Paragraph 40, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 41. Answering Paragraph 41, the U.S. Bank Defendants are without knowledge
11 or information sufficient to form a belief as to the truth of the allegations and on that
12 basis, deny the allegations.

13 42. Answering Paragraph 42, the U.S. Bank Defendants are without knowledge
14 or information sufficient to form a belief as to the truth of the allegations and on that
15 basis, deny the allegations.

16 43. Answering Paragraph 43, the U.S. Bank Defendants are without knowledge
17 or information sufficient to form a belief as to the truth of the allegations and on that
18 basis, deny the allegations.

19 44. Answering Paragraph 44, the U.S. Bank Defendants are without knowledge
20 or information sufficient to form a belief as to the truth of the allegations and on that
21 basis, deny the allegations.

22 45. Answering Paragraph 45, the U.S. Bank Defendants are without knowledge
23 or information sufficient to form a belief as to the truth of the allegations and on that
24 basis, deny the allegations.

25 46. Answering Paragraph 46, the U.S. Bank Defendants are without knowledge
26 or information sufficient to form a belief as to the truth of the allegations and on that
27 basis, deny the allegations.
28

1 47. Answering Paragraph 47, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 48. Answering Paragraph 48, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 49. Answering Paragraph 49, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 50. Answering Paragraph 50, the U.S. Bank Defendants are without knowledge
11 or information sufficient to form a belief as to the truth of the allegations and on that
12 basis, deny the allegations.

13 51. Answering Paragraph 51, the U.S. Bank Defendants are without knowledge
14 or information sufficient to form a belief as to the truth of the allegations and on that
15 basis, deny the allegations.

16 52. Answering Paragraph 52, the U.S. Bank Defendants are without knowledge
17 or information sufficient to form a belief as to the truth of the allegations and on that
18 basis, deny the allegations.

19 53. Answering Paragraph 53, the U.S. Bank Defendants are without knowledge
20 or information sufficient to form a belief as to the truth of the allegations and on that
21 basis, deny the allegations.

22 54. Answering Paragraph 54, the U.S. Bank Defendants are without knowledge
23 or information sufficient to form a belief as to the truth of the allegations and on that
24 basis, deny the allegations.

25 55. Answering Paragraph 55, the U.S. Bank Defendants are without knowledge
26 or information sufficient to form a belief as to the truth of the allegations and on that
27 basis, deny the allegations.

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1 56. Answering Paragraph 56, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 57. Answering Paragraph 57, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 58. Answering Paragraph 58, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 59. Answering Paragraph 59, the U.S. Bank Defendants are without knowledge
11 or information sufficient to form a belief as to the truth of the allegations and on that
12 basis, deny the allegations.

13 60. Answering Paragraph 60, the U.S. Bank Defendants are without knowledge
14 or information sufficient to form a belief as to the truth of the allegations and on that
15 basis, deny the allegations.

16 61. Answering Paragraph 61, the U.S. Bank Defendants are without knowledge
17 or information sufficient to form a belief as to the truth of the allegations and on that
18 basis, deny the allegations.

19 62. Answering Paragraph 62, the U.S. Bank Defendants are without knowledge
20 or information sufficient to form a belief as to the truth of the allegations and on that
21 basis, deny the allegations.

22 63. Answering Paragraph 63, the U.S. Bank Defendants are without knowledge
23 or information sufficient to form a belief as to the truth of the allegations and on that
24 basis, deny the allegations.

25 64. Answering Paragraph 64, the U.S. Bank Defendants are without knowledge
26 or information sufficient to form a belief as to the truth of the allegations and on that
27 basis, deny the allegations.
28

1 65. Answering Paragraph 65, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 66. Answering Paragraph 66, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 67. Answering Paragraph 67, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 68. Answering Paragraph 68, upon information and belief, the U.S. Bank
11 Defendants admit the allegations.

12 69. Answering Paragraph 69, the U.S. Bank Defendants are without knowledge
13 or information sufficient to form a belief as to the truth of the allegations and on that
14 basis, deny the allegations.

15 70. Answering Paragraph 70, the U.S. Bank Defendants are without knowledge
16 or information sufficient to form a belief as to the truth of the allegations and on that
17 basis, deny the allegations.

18 71. Answering Paragraph 71, the U.S. Bank Defendants are without knowledge
19 or information sufficient to form a belief as to the truth of the allegations and on that
20 basis, deny the allegations.

21 72. Answering Paragraph 72, the U.S. Bank Defendants are without knowledge
22 or information sufficient to form a belief as to the truth of the allegations and on that
23 basis, deny the allegations.

24 73. Answering Paragraph 73, the U.S. Bank Defendants are without knowledge
25 or information sufficient to form a belief as to the truth of the allegations and on that
26 basis, deny the allegations.

1 74. Answering Paragraph 74, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 75. Answering Paragraph 75, the U.S. Bank Defendants are without knowledge
5 or information sufficient to form a belief as to the truth of the allegations and on that
6 basis, deny the allegations.

7 76. Answering Paragraph 76, the U.S. Bank Defendants are without knowledge
8 or information sufficient to form a belief as to the truth of the allegations and on that
9 basis, deny the allegations.

10 77. Answering Paragraph 77, upon information and belief, the U.S. Bank
11 Defendants admit that the Receiver deposed Menaged on October 20, 2016 in another
12 lawsuit.

13 78. Answering Paragraph 78, the U.S. Bank Defendants admit that the Receiver
14 issued a subpoena to U.S. Bank in another lawsuit to which U.S. Bank responded. Upon
15 information and belief, the U.S. Bank Defendants admit that the Receiver issued a
16 subpoena to Chase. The U.S. Bank Defendants are without knowledge or information
17 sufficient to form a belief as to the truth of the remaining allegations and, on that basis,
18 deny the allegations.

19 79. Answering Paragraph 79, the U.S. Bank Defendants are without knowledge
20 or information sufficient to form a belief as to the truth of the allegations and on that
21 basis, deny the allegations.

22 80. Answering Paragraph 80, the U.S. Bank Defendants are without knowledge
23 or information sufficient to form a belief as to the truth of the allegations and on that
24 basis, deny the allegations.

25 81. Answering Paragraph 81, the U.S. Bank Defendants are without knowledge
26 or information sufficient to form a belief as to the truth of the allegations and on that
27 basis, deny the allegations.

28

1 82. Answering Paragraph 82, the U.S. Bank Defendants are without knowledge
2 or information sufficient to form a belief as to the truth of the allegations and on that
3 basis, deny the allegations.

4 83. Answering Paragraph 83, the U.S. Bank Defendants admit, upon
5 information and belief, that Menaged was indicted in the United States District Court,
6 District of Arizona, CR-17-00680-PHX-GMS(MHB) on 24 separate counts in addition to
7 allegations for forfeiture, some of which included, *e.g.*, wire fraud, aggravated identity
8 theft, and conspiracy to defraud. The U.S. Bank Defendants are without knowledge or
9 information sufficient to form a belief as to the truth of the remaining allegations and on
10 that basis, deny such allegations.

11 84. Answering Paragraph 84, the U.S. Bank Defendants are without knowledge
12 or information sufficient to form a belief as to the truth of the allegations and on that
13 basis, deny the allegations.

14 85. Answering Paragraph 85, the U.S. Bank Defendants are without knowledge
15 or information sufficient to form a belief as to the truth of the allegations and on that
16 basis, deny the allegations.

17 86. Answering Paragraph 86, the U.S. Bank Defendants are without knowledge
18 or information sufficient to form a belief as to the truth of the allegations and on that
19 basis, deny the allegations.

20 87. Answering Paragraph 87, the U.S. Bank Defendants deny undertaking any
21 actions for which DenSco claims they are liable. The U.S. Bank Defendants are without
22 knowledge or information sufficient to form a belief as to the truth of the allegations and
23 on that basis, deny the allegations.

24 **ALLEGATIONS AS TO U.S. BANK**

25 88. Answering Paragraph 88, the U.S. Bank Defendants admit that Menaged
26 and Easy Investments LLC maintained deposit accounts with U.S. Bank from December
27 2012 through May 2016. The U.S. Bank Defendants deny any remaining allegations.
28

1 89. Answering Paragraph 89, the U.S. Bank Defendants admit, upon
2 information and belief, that Menaged sought banking services at U.S. Bank, including at a
3 branch located at 6611 W. Bell Road, Glendale, Arizona, within a Fry's grocery store (the
4 "Arrowhead location"). The U.S. Bank Defendants deny the remaining allegations.

5 90. Answering Paragraph 90, the U.S. Bank Defendants admit that Hilda
6 Chavez worked at U.S. Bank and was, for a period of time, a manager at the Arrowhead
7 location. The U.S. Bank Defendants deny the remaining allegations.

8 91. Answering Paragraph 91, the U.S. Bank Defendants deny the allegations.

9 92. Answering Paragraph 92, the U.S. Bank Defendants acknowledge that U.S.
10 Bank and Defendant Chavez are referred to as the "U.S. Bank Defendants" in the First
11 Amended Complaint.

12 93. Answering Paragraph 93, the U.S. Bank Defendants are without knowledge
13 or information sufficient to form a belief as to the truth of the allegations and on that
14 basis, deny the allegations.

15 94. Answering Paragraph 94, the U.S. Bank Defendants are without knowledge
16 or information sufficient to form a belief as to the truth of the allegations and on that
17 basis, deny the allegations.

18 95. Answering Paragraph 95, the U.S. Bank Defendants admit that DenSco
19 wired certain funds to Easy Investments LLC's U.S. Bank deposit account at various
20 times. The U.S. Bank Defendants are without knowledge or information sufficient to
21 form a belief as to the truth of the remaining allegations and on that basis, deny the
22 remaining allegations.

23 96. Answering Paragraph 96, the U.S. Bank Defendants admit that, for at least
24 one wire transfer from DenSco, the originator was listed as "DenSco Investment Corp.,"
25 the name of the recipient was listed as "Easy Investments, LLC," and an amount of money
26 was specified. The U.S. Bank Defendants are without knowledge or information
27 sufficient to form a belief as to the truth of the allegations that DenSco was transferring a
28

1 “loan” amount to Menaged for purchase of any properties and on that basis, denies those
2 allegations. The U.S. Bank Defendants deny any remaining allegations.

3 97. Answering Paragraph 97, the U.S. Bank Defendants are without knowledge
4 or information sufficient to form a belief as to the truth of the allegations and on that
5 basis, denies those allegations.

6 98. Answering Paragraph 98, the U.S. Bank Defendants admit that it provided
7 ordinary banking services with respect to Easy Investments LLC’s deposit account, such
8 as accepting wire transfers for deposit, compiling account records, and providing bank
9 statements. The U.S. Bank Defendants deny the remaining allegations.

10 99. Answering Paragraph 99, the U.S. Bank Defendants are without knowledge
11 or information sufficient to form a belief as to the truth of the allegations and on that
12 basis, deny the allegations.

13 100. Answering Paragraph 100, the U.S. Bank Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations and
15 on that basis, deny the allegations.

16 101. Answering Paragraph 101, the U.S. Bank Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations and
18 on that basis, deny the allegations.

19 102. Answering Paragraph 102, the U.S. Bank Defendants admit that its
20 employees, on occasion, issued cashier’s checks as requested by the bank customer. The
21 U.S. Bank Defendants deny the remaining allegations.

22 103. Answering Paragraph 103, the U.S. Bank Defendants admit that, in the
23 ordinary course of business, it would have sought instruction from the bank customer as to
24 the proper amount and payee for cashier’s checks. The U.S. Bank Defendants are without
25 knowledge or information sufficient to form a belief as to the truth of the remaining
26 allegations and on that basis, deny them.

27 104. Answering Paragraph 104, upon information and belief, the U.S. Bank
28 Defendants admit that certain individual cashier’s checks included the following

1 information “DenSco Payment” and an address. The U.S. Bank Defendants deny the
2 remaining allegations.

3 105. Answering Paragraph 105, upon information and belief, the U.S. Bank
4 Defendants admit the allegations.

5 106. Answering Paragraph 106, the U.S. Bank Defendants are without
6 knowledge or information sufficient to form a belief as to the truth of the allegations and
7 on that basis, deny the allegations.

8 107. Answering Paragraph 107, the U.S. Bank Defendants are without
9 knowledge or information sufficient to form a belief as to the truth of the allegations and
10 on that basis, deny the allegations.

11 108. Answering Paragraph 108, the U.S. Bank Defendants are without
12 knowledge or information sufficient to form a belief as to the truth of the allegations and
13 on that basis, deny the allegations.

14 109. Answering Paragraph 109, upon information and belief, the U.S. Bank
15 Defendants admit that Castro, on occasion, took pictures of cashier’s checks. The U.S.
16 Bank Defendants are without knowledge or information sufficient to form a belief as to
17 the truth of the remaining allegations and on that basis, deny them.

18 110. Answering Paragraph 110, the U.S. Bank Defendants are without
19 knowledge or information sufficient to form a belief as to the truth of the allegations and
20 on that basis, deny the allegations.

21 111. Answering Paragraph 111, upon information and belief, the U.S. Bank
22 Defendants admit that Castro, on occasion, took pictures of cashier’s checks. The U.S.
23 Bank Defendants are without knowledge or information sufficient to form a belief as to
24 the truth of the remaining allegations and on that basis, deny them.

25 112. Answering Paragraph 112, upon information and belief, the U.S. Bank
26 Defendants admit that Menaged requested redeposit of certain cashier’s checks. The U.S.
27 Bank Defendants are without knowledge or information sufficient to form a belief as to
28 the truth of the remaining allegations and on that basis, deny them.

1 113. Answering Paragraph 113, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 114. Answering Paragraph 114, upon information and belief, the U.S. Bank
5 Defendants admit that, throughout the nearly four years Easy Investments LLC
6 maintained an account with U.S. Bank, at least 41 cashier's checks were redeposited into
7 Easy Investments LLC's deposit account. The U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the total amount of
9 such checks, or whether Menaged used the funds for his own personal benefit, and on that
10 basis, deny the allegations. The U.S. Bank Defendants deny the remaining allegations.

11 115. Answering Paragraph 115, the U.S. Bank Defendants deny the allegations.

12 116. Answering Paragraph 116, the U.S. Bank Defendants deny the allegations.

13 117. Answering Paragraph 117, the U.S. Bank Defendants deny the allegations.

14 118. Answering Paragraph 118, the U.S. Bank Defendants deny the allegations.

15 119. Answering Paragraph 119, the U.S. Bank Defendants admit that DenSco
16 wired money to Easy Investments LLC's deposit account at U.S. Bank, for which DenSco
17 was listed as originator. The U.S. Bank Defendants deny the remaining allegations.

18 120. Answering Paragraph 120, the U.S. Bank Defendants admit that DenSco
19 wired money to Easy Investments LLC's deposit account at U.S. Bank, for which DenSco
20 was listed as originator, and that the U.S. Bank Defendants would provide cashier's
21 checks as directed by Menaged or Castro. The U.S. Bank Defendants deny the remaining
22 allegations.

23 121. Answering Paragraph 121, the U.S. Bank Defendants admit that certain
24 cashier's checks included the wording "DenSco Payment" and an address. The U.S. Bank
25 Defendants deny the remaining allegations.

26 122. Answering Paragraph 122, the U.S. Bank Defendants admit that certain
27 cashier's checks were redeposited. The U.S. Bank Defendants deny the remaining
28 allegations.

1 123. Answering Paragraph 123, the U.S. Bank Defendants deny the allegations.

2 124. Answering Paragraph 124, the U.S. Bank Defendants admit that certain
3 cashier's checks were redeposited and that it provided Menaged certain banking services.
4 The U.S. Bank Defendants deny the remaining allegations.

5 125. Answering Paragraph 125, the U.S. Bank Defendants admit that it provided
6 Menaged routine banking services. Further responding to Paragraph 125, the U.S. Bank
7 Defendants deny the remaining allegations.

8 126. Answering Paragraph 126, the U.S. Bank Defendants admit that it provided
9 routine banking services to Easy Investments LLC, including routine services related to
10 wire transfers, cashier's checks, withdrawals, and transfers. The U.S. Bank Defendants
11 deny the remaining allegations.

12 127. Answering Paragraph 127, the U.S. Bank Defendants deny the allegations.

13 128. Answering Paragraph 128, the U.S. Bank Defendants deny the allegations.

14 129. Answering Paragraph 129, the U.S. Bank Defendants deny the allegations.

15 130. Answering Paragraph 130, the U.S. Bank Defendants deny the allegations.

16 131. Answering Paragraph 131, the U.S. Bank Defendants deny the allegations.

17 132. Answering Paragraph 132, the U.S. Bank Defendants deny the allegations.

18 133. Answering Paragraph 133, the U.S. Bank Defendants deny the allegations.

19 134. Answering Paragraph 134, the U.S. Bank Defendants deny the allegations.

20 135. Answering Paragraph 135, the U.S. Bank Defendants deny the allegations.

21 136. Answering Paragraph 136, the U.S. Bank Defendants deny the allegations.

22 137. Answering Paragraph 137, the U.S. Bank Defendants deny the allegations.

23 138. Answering Paragraph 138, the U.S. Bank Defendants deny the allegations.

24 **ALLEGATIONS AS TO CHASE BANK**

25 139. Answering Paragraph 139, the U.S. Bank Defendants are without
26 knowledge or information sufficient to form a belief as to the truth of the allegations and
27 on that basis, deny the allegations.
28

1 140. Answering Paragraph 140, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 141. Answering Paragraph 141, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 142. Answering Paragraph 142, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
9 on that basis, deny the allegations.

10 143. Answering Paragraph 143, the U.S. Bank Defendants are without
11 knowledge or information sufficient to form a belief as to the truth of the allegations and
12 on that basis, deny the allegations.

13 144. Answering Paragraph 144, the U.S. Bank Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations and
15 on that basis, deny the allegations.

16 145. Answering Paragraph 145, the U.S. Bank Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations and
18 on that basis, deny the allegations.

19 146. Answering Paragraph 146, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 147. Answering Paragraph 147, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 148. Answering Paragraph 148, the U.S. Bank Defendants are without
26 knowledge or information sufficient to form a belief as to the truth of the allegations and
27 on that basis, deny the allegations.
28

1 149. Answering Paragraph 149, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 150. Answering Paragraph 150, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 151. Answering Paragraph 151, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
9 on that basis, deny the allegations.

10 152. Answering Paragraph 152, the U.S. Bank Defendants are without
11 knowledge or information sufficient to form a belief as to the truth of the allegations and
12 on that basis, deny the allegations.

13 153. Answering Paragraph 153, the U.S. Bank Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations and
15 on that basis, deny the allegations.

16 154. Answering Paragraph 154, the U.S. Bank Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations and
18 on that basis, deny the allegations.

19 155. Answering Paragraph 155, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 156. Answering Paragraph 156, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 157. Answering Paragraph 157, the U.S. Bank Defendants are without
26 knowledge or information sufficient to form a belief as to the truth of the allegations and
27 on that basis, deny the allegations.

28

1 158. Answering Paragraph 158, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 159. Answering Paragraph 159, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 160. Answering Paragraph 160, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
9 on that basis, deny the allegations.

10 161. Answering Paragraph 161, the U.S. Bank Defendants are without
11 knowledge or information sufficient to form a belief as to the truth of the allegations and
12 on that basis, deny the allegations.

13 162. Answering Paragraph 162, the U.S. Bank Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations and
15 on that basis, deny the allegations.

16 163. Answering Paragraph 163, the U.S. Bank Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations and
18 on that basis, deny the allegations.

19 164. Answering Paragraph 164, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 165. Answering Paragraph 165, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 166. Answering Paragraph 166, the U.S. Bank Defendants are without
26 knowledge or information sufficient to form a belief as to the truth of the allegations and
27 on that basis, deny the allegations.
28

1 167. Answering Paragraph 167, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 168. Answering Paragraph 168, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 169. Answering Paragraph 169, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
9 on that basis, deny the allegations.

10 170. Answering Paragraph 170, the U.S. Bank Defendants are without
11 knowledge or information sufficient to form a belief as to the truth of the allegations and
12 on that basis, deny the allegations.

13 171. Answering Paragraph 171, the U.S. Bank Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations and
15 on that basis, deny the allegations.

16 172. Answering Paragraph 172, the U.S. Bank Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations and
18 on that basis, deny the allegations.

19 173. Answering Paragraph 173, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 174. Answering Paragraph 174, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 175. Answering Paragraph 175, the U.S. Bank Defendants are without
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27 on that basis, deny the allegations.

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1 176. Answering Paragraph 176, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 177. Answering Paragraph 177, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 178. Answering Paragraph 178, the U.S. Bank Defendants are without
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9 on that basis, deny the allegations.

10 179. Answering Paragraph 179, the U.S. Bank Defendants are without
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13 180. Answering Paragraph 180, the U.S. Bank Defendants are without
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15 on that basis, deny the allegations.

16 181. Answering Paragraph 181, the U.S. Bank Defendants are without
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18 on that basis, deny the allegations.

19 182. Answering Paragraph 182, the U.S. Bank Defendants are without
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21 on that basis, deny the allegations.

22 183. Answering Paragraph 183, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 184. Answering Paragraph 184, the U.S. Bank Defendants are without
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27 on that basis, deny the allegations.

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1 185. Answering Paragraph 185, the U.S. Bank Defendants are without
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4 186. Answering Paragraph 186, the U.S. Bank Defendants are without
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7 187. Answering Paragraph 187, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
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10 188. Answering Paragraph 188, the U.S. Bank Defendants are without
11 knowledge or information sufficient to form a belief as to the truth of the allegations and
12 on that basis, deny the allegations.

13 189. Answering Paragraph 189, the U.S. Bank Defendants are without
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16 190. Answering Paragraph 190, the U.S. Bank Defendants are without
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18 on that basis, deny the allegations.

19 191. Answering Paragraph 191, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 192. Answering Paragraph 192, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 193. Answering Paragraph 193, the U.S. Bank Defendants are without
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1 194. Answering Paragraph 194, the U.S. Bank Defendants are without
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4 195. Answering Paragraph 195, the U.S. Bank Defendants are without
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7 196. Answering Paragraph 196, the U.S. Bank Defendants are without
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10 197. Answering Paragraph 197, the U.S. Bank Defendants are without
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13 198. Answering Paragraph 198, the U.S. Bank Defendants are without
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16 199. Answering Paragraph 199, the U.S. Bank Defendants are without
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19 200. Answering Paragraph 200, the U.S. Bank Defendants are without
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21 on that basis, deny the allegations.

22 201. Answering Paragraph 201, the U.S. Bank Defendants are without
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25 202. Answering Paragraph 202, the U.S. Bank Defendants are without
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27 on that basis, deny the allegations.

28

1 203. Answering Paragraph 203, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 204. Answering Paragraph 204, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 205. Answering Paragraph 205, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
9 on that basis, deny the allegations.

10 206. Answering Paragraph 206, the U.S. Bank Defendants are without
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12 on that basis, deny the allegations.

13 207. Answering Paragraph 207, the U.S. Bank Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations and
15 on that basis, deny the allegations.

16 208. Answering Paragraph 208, the U.S. Bank Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations and
18 on that basis, deny the allegations.

19 209. Answering Paragraph 209, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 210. Answering Paragraph 210, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 211. Answering Paragraph 211, the U.S. Bank Defendants are without
26 knowledge or information sufficient to form a belief as to the truth of the allegations and
27 on that basis, deny the allegations.

28

1 212. Answering Paragraph 212, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 213. Answering Paragraph 213, the U.S. Bank Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations and
6 on that basis, deny the allegations.

7 214. Answering Paragraph 214, the U.S. Bank Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and
9 on that basis, deny the allegations.

10 215. Answering Paragraph 215, the U.S. Bank Defendants are without
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12 on that basis, deny the allegations.

13 216. Answering Paragraph 216, the U.S. Bank Defendants are without
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15 on that basis, deny the allegations.

16 217. Answering Paragraph 217, the U.S. Bank Defendants are without
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18 on that basis, deny the allegations.

19 218. Answering Paragraph 218, the U.S. Bank Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations and
21 on that basis, deny the allegations.

22 219. Answering Paragraph 219, the U.S. Bank Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations and
24 on that basis, deny the allegations.

25 220. Answering Paragraph 220, the U.S. Bank Defendants are without
26 knowledge or information sufficient to form a belief as to the truth of the allegations and
27 on that basis, deny the allegations.
28

1 221. Answering Paragraph 221, the U.S. Bank Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and
3 on that basis, deny the allegations.

4 **COUNT ONE AS TO U.S. BANK**

5 222. Answering Paragraph 222, the U.S. Bank Defendants incorporate by
6 reference their responses to the prior paragraphs as though fully set forth in the responses
7 that follow.

8 223. Answering Paragraph 223, the U.S. Bank Defendants are without
9 knowledge or information sufficient to form a belief as to the truth of the allegations and
10 on that basis, deny the allegations.

11 224. Answering Paragraph 224, the U.S. Bank Defendants deny the allegations.

12 225. Answering Paragraph 225, the U.S. Bank Defendants deny the allegations.

13 **COUNT TWO AS TO CHASE BANK**

14 226. Answering Paragraph 226, the U.S. Bank Defendants incorporate by
15 reference their responses to the prior paragraphs as though fully set forth in the responses
16 that follow.

17 227. Answering Paragraph 227, the U.S. Bank Defendants are without
18 knowledge or information sufficient to form a belief as to the truth of the allegations and
19 on that basis, deny the allegations.

20 228. Answering Paragraph 228, the U.S. Bank Defendants are without
21 knowledge or information sufficient to form a belief as to the truth of the allegations and
22 on that basis, deny the allegations.

23 229. Answering Paragraph 229, the U.S. Bank Defendants are without
24 knowledge or information sufficient to form a belief as to the truth of the allegations and
25 on that basis, deny the allegations.

26 230. The U.S. Bank Defendants deny any allegations not expressly admitted or
27 otherwise responded to herein.
28

AFFIRMATIVE DEFENSES

1. The First Amended Complaint fails to state a claim upon which relief against the U.S. Bank Defendants can be granted.

2. DenSco's claim is barred, in whole or in part, by the applicable statute of limitations or doctrine of laches.

3. DenSco's claim is barred by the doctrine of fraud, as its sole director and shareholder, Chittick, acted in concert with the underlying alleged fraudster.

4. DenSco's claim may be barred, in whole or in part, by the doctrines of estoppel, waiver, comparative fault, contributory negligence, and assumption of risk.

5. DenSco's claim may be barred, in whole or in part, by the doctrine of issue preclusion.

WHEREFORE, the U.S. Bank Defendants pray for the following relief:

A. Dismissal of the U.S. Bank Defendants, with prejudice;

B. The U.S. Bank Defendants' costs (A.R.S. § 12-341); and

C. Such other relief that the Court deems just and proper.

DATED this 30th day of September, 2020.

SNELL & WILMER L.L.P.

By: /s/ Amanda Z. Weaver

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Amanda Z. Weaver
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400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
*Attorneys for Defendants U.S. Bank
National Association and Hilda H.
Chavez*

1 The foregoing was electronically
2 filed and e-served via azturbocourt
3 on the following parties this 30th
4 day of September, 2020.

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17 Phoenix, Arizona 85016
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19 claydonj@gtlaw.com
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21 *Bank, Samantha Nelson & Vikram Dadlani*

22 /s/ Pati Zabolsky
23 4828-8788-9096