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Attorneys for the Receiver

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR MARICOPA COUNTY

ARIZONA CORPORATION	)	
COMMISSION,	)	Cause No. CV2016-014142
	)	
Plaintiff,	)	ORDER RE: PETITION NO. 2
	)	
v.	)	
DENSCO INVESTMENT	)	ORDER GOVERNING THE
CORPORATION, an Arizona	)	ADMINISTRATION OF THE
corporation,	)	RECEIVERSHIP
	)	
Defendant.	)	(Assigned to Judge Lori Horn Bustamante)
	)	
	)	

The Receiver having filed Petition No. 2 setting forth the Receiver's recommendations regarding the procedures for administering the receivership established under this Court's *Order Appointing Receiver* entered in this matter on August 18, 2016, and the Court having considered same, and it appearing that those recommendations are reasonable, just, and calculated to afford the fair and equitable treatment of all persons interested in these proceedings and it appearing to the Court that the matters being requested by Petition No. 2 are reasonable, just and appropriate:

1 NOW, THEREFORE, IT IS ORDERED:

2 1. Further Proceedings in this Receivership. Except as provided in paragraph 5  
3 below, the Receiver or any person seeking to obtain relief from this Court in connection with  
4 this receivership, shall file with the court a pleading entitled "Petition." All petitions filed in  
5 this Receivership shall be accompanied by a proposed form of order. Each petition shall be  
6 consecutively numbered and the petition and all subsequent pleadings filed and orders entered  
7 in connection with that petition shall contain a reference to the petition number in the title of  
8 the pleading or order. If the party seeks relief in its petition against any person other than one  
9 of the defendants, the caption shall include the identity of the petitioner and the party against  
10 whom the relief is sought, who shall be denominated as "Respondent," in a form similar to  
11 that used in asserting a third party claim. Any person intending to file such a petition shall  
12 obtain a number for the petition from the counsel for the Receiver, Guttilla Murphy  
13 Anderson, P.C.  
14

15 2. Active Calendar. The clerk of the court is directed to retain this matter on the  
16 court's active calendar until such time as this receivership has been terminated by order of the  
17 court.

18 3. Service List and Proof of Service. Service of all petitions and other papers filed  
19 in connection with this receivership shall be governed by the Arizona Rules of Civil  
20 Procedure and this paragraph:  
21

a. Counsel for the Receiver shall maintain a Master Service List containing  
the name and mailing address of each person, or the person's legal counsel, who has

1 made an appearance in this matter, or has requested to be included on the Master  
2 Service List, or has been placed there by order of the Court. All pleadings and other  
3 papers filed in this matter shall be served as provided in this order on each person on  
4 the Master Service List, except as provided in this order or by other order of this  
5 Court.

6 b. Where the Court has provided for a separate mailing list for a matter  
7 raised by petition, all pleadings and other papers filed in connection with that petition  
8 shall be served on all persons on the special service list for that petition.

9 c. The person filing a petition shall serve on all persons on the applicable  
10 service list, a copy of the petition and proposed form of order. If the petition is filed  
11 by the Receiver, the Receiver shall also obtain a hearing date from the Court and serve  
12 a notice of hearing.

13 d. Within five days (5) after the entry of an order granting or denying relief  
14 under a petition, the person filing the petition shall serve a conformed copy of the  
15 order entered by the Court on all persons on the applicable service list.

16 e. All *ex parte* orders entered by the Court in accordance with this Order  
17 shall be served by the Receiver on all persons on the Master Service List within five  
18 (5) days after entry of the *ex parte* order.

19 f. Service under this paragraph shall be made as follows:  
20

21 (1) by first class mail, postage prepaid, to the person at the address set  
forth on the service list, or

1 (2) where the person has authorized service by email, by email to the  
2 person at the email address set forth on the service list.

3 g. The party making service shall, within five (5) days after making service,  
4 file and serve a proof of service, stating that a copy of the petition or other paper was  
5 served on the persons set forth on the attached applicable service list and the manner in  
6 which such service was made.

7 h. Counsel for the Receiver shall provide a copy of the Master Service List  
8 and any special service list to any person requesting same.

9 i. Counsel for the Receiver shall remove the name of a person from a  
10 service list upon receipt of a written request to do so from the person or his counsel or  
11 when so directed by the court.

12 4. Ex Parte Petitions. Counsel for the Receiver may file an *ex parte* petition and  
13 lodge a proposed form of order without providing notice or service as provided in this order  
14 or by the Rules of Civil Procedure, where the Court expressly so authorizes such a filing, or  
15 where:  
16

17 a. The petition seeks authority to engage outside professionals to perform  
18 services for the Receiver, including outside counsel to represent the Receiver in  
19 pending or contemplated litigation.

20 b. The petition seeks authority to institute or defend litigation, file an  
21 appeal or assert or otherwise perfect a claim or defense of the Receiver.

1           5.     Claims Against the Receivership Estate. Claims against any of the persons or  
2 assets in receiverships shall be asserted only as provided below:

3           a.     Any person making a claim against any of the persons or assets in  
4 receiverships shall file his claim with the Receiver as provided in this Order by  
5 delivering or mailing the claim to:

6                                 Peter S. Davis, Receiver  
7                                 DenSco Receivership  
8                                 The Great American Tower  
9                                 3200 North Central, Suite 2460  
                                      Phoenix, Arizona 85012

10          b.     The claim shall be set forth on a form prescribed by the Receiver and  
11 shall set forth in reasonable detail the amount of the claim, or the basis upon which  
12 such amount can be ascertained, the facts upon which the claim is based and the  
13 priorities asserted, if any. The claim shall also be verified under oath by the claimant  
14 or someone authorized to act on his behalf and having knowledge of the facts, and  
15 shall be supported by such documents as may be material thereto.

16          c.     Claims shall be filed with the Receiver on or before the deadline for  
17 filing claims set by subsequent order of the Court. A claim shall be deemed filed on  
18 the date the claim form, completed as required by this order, is delivered to the  
19 Receiver or the date it is deposited with the United States Postal Service, postage  
20 prepaid, addressed to the Receiver at the above address.  
21

1 d. Any claim against any of the Receivership Entities filed as provided in  
2 this order, shall toll the running of any statute of limitation applicable to such a claim  
3 that has not run at the time the claim is filed.

4 e. The Receiver shall provide claim forms to persons requesting same.

5 6. Notice Procedures. Notice of all proceedings in this receivership shall be  
6 governed by the following provisions unless otherwise ordered by the Court:

7 a. Notices of hearings regarding petitions for authority to compensate the  
8 Receiver, attorneys and others, shall be given by mailing notice and a copy of the  
9 petition to each person on the Master Service List not later than seven (7) days before  
10 the date set for hearing.

11 b. Notice for hearing on the final account and report of Receiver shall be  
12 given by mailing notice and a copy of the petition to each person on the Master  
13 Service List not later than ten (10) days before the date set for hearing, and the notice  
14 shall be published once in the Arizona Business Gazette, or other newspaper of general  
15 circulation, not later than seven (7) days before the date set for hearing.

16 c. Unless otherwise ordered by the Court, all other matters requiring the  
17 giving of public notice shall follow the procedure outlined in subparagraph (a) above.

18 7. Identification of Assets. In complying with this Court's order to identify,  
19 collect and manage all property, causes of action, and other assets of the receivership estate,  
20 the Receiver may, without further order of the Court, obtain from the Clerk of this Court  
21 subpoenas, or obtain commissions or letters rogatory directing another Court to issue

1 subpoenas, compelling any person who the Receiver reasonably believes possesses  
2 information or documents that may assist the Receiver in identifying such assets of the  
3 Receivership Entities, to produce such information or documents to the Receiver. The  
4 Receiver shall be required to give notice of depositions or commissions or letters rogatory  
5 under this paragraph, only to persons who have made a written request to the Receiver for  
6 such notice.

7  
8 8. Petitions for Payment of Fees. The Receiver shall seek authorization to  
9 compensate from receivership funds the Receiver, and attorneys and accountants for the  
10 Receiver, by filing a pay petition, which petition shall not be required to include as exhibits  
11 the itemized statements of services rendered to, and costs incurred or expended on behalf of,  
12 the Receivership, provided that the pay petition includes a statement that anyone desiring  
13 additional information concerning the services and costs to be paid under the pay petition  
14 may obtain redacted information from the Receiver by delivering to the Receiver and the  
15 Receiver's counsel, Guttilla Murphy Anderson, P.C., a written request specifying the  
16 additional information requested at least three days prior to the date set for hearing on the pay  
17 petition. Upon request of the Court, the Receiver shall make available for *in camera* review  
18 by the Court, the itemized statements and supporting documentation for the services and costs  
19 to be paid under the pay petition.

20 9. Legal Counsel for Out-Of-State Litigation. The Receiver may employ, without  
21 further order of the Court, such legal counsel as are necessary to represent the Receiver or  
any of the persons in receivership in all litigation before any court or tribunal other than the

1 courts of this state. The Receiver may agree to pay such legal counsel from the assets of the  
2 receivership estate at a rate determined in the sole discretion of the Receiver to be  
3 appropriate, provided that the Receiver shall obtain approval of the Court as provided in this  
4 order prior to paying such legal counsel.

5 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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# eSignature Page 1 of 1

Filing ID: 7690959 Case Number: CV2016-014142  
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Granted as Submitted



/S/ Lori Bustamante Date: 8/31/2016  
Judicial Officer of Superior Court

**ENDORSEMENT PAGE**

CASE NUMBER: CV2016-014142

SIGNATURE DATE: 8/31/2016

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FILED DATE: 9/2/2016 8:00:00 AM

CHRISTOPHER L HERING

RYAN W ANDERSON

WENDY L COY

DENSCO INVESTMENT CORPORATION  
NO ADDRESS ON RECORD