

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-013832

11/18/2019

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT
J. Eaton
Deputy

PETER S DAVIS

GEOFFREY M STURR

v.

CLARK HILL P L C, et al.

JOHN E DEWULF

JUDGE DANIEL MARTIN

MINUTE ENTRY

Pending before the Court is Defendants Clark Hill PLC and David G. Beauchamp's May 15, 2019 Motion in Limine to Preclude Use of Documents Identified in Plaintiff's Rule of Evidence 807(b) Notices, Plaintiff Peter S. Davis' (as Receiver of DenSco Investment Corporation) June 27, 2019 Response, and Defendants' August 29, 2019 Reply. By their motion, Defendants seek "to exclude from evidence the following documents drafted by Denny Chittick, DenSco Investment Corporation's president and owner: (1) Chittick's personal and "business" journals and (2) Chittick's pre-suicide letters to his sister Shawna Heuer, the DenSco Investors, and his ex-wife Ranasha Chittick (the "Iggy Letter," "Investor Letter," and "Ranasha Letter" respectively)." Motion, at 1. According to Defendants, "[t]hese documents, and the excerpts therefrom identified in the Notices, are hearsay evidence and do not meet the stringent requirements necessary to fall within Rule 807(b)'s residual hearsay exception. The documents lack the requisite exceptional guarantees of trustworthiness; are replete with misleading, unreliable, vague, and contradictory allegations; and were written under extreme duress by a witness with a strong motivation to spin the truth and deflect blame for his own poor business choices—a witness whose statements were not under oath and who is sadly not available for cross examination." *Id.* at 1-2.

Having considered the positions of the parties, as well as the legal authorities upon which they rely, the Court agrees with Plaintiff that Defendants' motion is premature.

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IT IS ORDERED denying the motion, without prejudice to Defendants' ability to re-urge their objections by motion in limine presented at the Final Trial Management Conference or by objections at trial.