

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,

vs.

Clark Hill PLC, a Michigan
limited liability company;
David G. Beauchamp and Jane Doe
Beauchamp, Husband and Wife,

Defendants.

NO. CV2017-013832

DEPOSITION OF RUSS H. DUPPER

Phoenix, Arizona
February 20, 2019
1:02 p.m.

REPORTED BY:
KELLY SUE OGLESBY, RPR
Arizona CR No. 50178
Registered Reporting Firm R1012

PREPARED FOR:

RUSS H. DUPPER, 2/20/2019

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EXHIBIT:	DESCRIPTION	MARKED/REF'ED	
712	Trovita Homeowners Association Unit List January 2015 (DOCID_00394005)	13	13
713	Email from Denny Chittick to Russ Dupper and others dated 5/18/2011 (DOCID_00060743)	14	14
714	Email from Denny Chittick to Mary Axelsen and others dated 1/20/2017 (DOCID_0001159)	18	18
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716	DenSco Investment Corporation General Obligation Note (CTRL_00055755)	29	29
717	DenSco Investment Corporation Subscription Agreement dated 9/13/2013 (DOCID_00429382)	29	30
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REQUESTS TO PRODUCE DOCUMENTS

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(None.)

QUESTIONS INSTRUCTED NOT TO ANSWER

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(None.)

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1 DEPOSITION OF RUSS H. DUPPER, commenced at
2 1:02 p.m. on February 20, 2019, at the law offices of
3 Coppersmith Brockelman, PLC, 2800 North Central Avenue,
4 Suite 1900, Phoenix, Arizona, before KELLY SUE OGLESBY, a
5 Certified Reporter, CR No. 50178, in and for the County of
6 Maricopa, State of Arizona, pursuant to the Rules of Civil
7 Procedure.

8 * * *

9 APPEARANCES

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Phoenix, Arizona
February 20, 2019
1:02 p.m.

* * *

RUSS H. DUPPER,

called as a witness herein, having been first duly sworn,
was examined and testified as follows:

EXAMINATION

Q. (BY MS. PATKI) Can you please state your name
for the record.

A. Russ H. Dupper.

Q. And how would you like me to address you? Is
Russ okay?

A. Russ is fine, yeah.

Q. Okay. Russ, have you ever given a deposition
before?

A. No.

Q. So I'm just going to cover some ground rules
with you.

As John mentioned a little bit earlier, my goal
here is really to just have a conversation with you. John
and I represent David Beauchamp and Clark Hill, who has
been sued by Mr. Campbell's firm, Osborn Maledon, which
has been retained by the receiver.

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1 You are here because in our documents, we
2 believe that you may have had a relationship with
3 Mr. Chittick that was both personal and professional. As
4 we understand it, you are an investor with DenSco and you
5 are therefore a claimant.

6 That said, even though I would like to try and
7 make this as conversational as possible, because this is a
8 deposition, there are just some things we should be aware
9 of. In a conversation it's very typical for us to nod or
10 shake our head or more typically say uh-huh, uh-uh. It
11 would be very difficult for our court reporter to kind of
12 discern what that is, so if you can be sure to give verbal
13 answers. I'll do my best to try to catch that if you
14 start doing it, but if you could be aware of that, that
15 would be great.

16 Another thing is in conversations we typically,
17 we may start anticipating what one another says, but it's
18 difficult for her to get what both of us are saying if we
19 are talking over each other. So if you can allow me to
20 finish my question before you answer, and I will try and
21 extend the same courtesy to you.

22 If you don't understand anything I'm saying or
23 you don't understand my question, just ask me to rephrase.
24 I can be a bit inartful sometimes in how I phrase things.
25 But if you answer a question, I'm going to assume you

RUSS H. DUPPER, 2/20/2019

1 understand it.

2 Is that fair?

3 A. Yes.

4 Q. Okay. Perfect.

5 If you ever need a break during this deposition,
6 I'll do my best to try and have us break every hour or so,
7 but if you need a break before then, just let me know. If
8 there is a question pending at that time, I'll ask you to
9 likely answer it before we break, but other than that, I
10 see no reason why we couldn't break whenever you wanted.

11 Just so we are clear, you are not represented in
12 the deposition by counsel, correct?

13 A. No.

14 Q. Even though you had the opportunity to retain
15 counsel?

16 A. Correct.

17 Q. Are you taking any medications or drugs today
18 that would affect your ability to understand my questions
19 or give truthful answers?

20 A. No.

21 Q. Where do you currently reside?

22 A. 6133 West Victoria Place in Chandler, Arizona.

23 Q. And as I mentioned, you are being deposed with
24 regards to a lawsuit. The official title is Peter S.
25 Davis versus Clark Hill, PLC. It's pending in Maricopa

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1 County Superior Court.

2 Do you have any understanding as to what this
3 lawsuit is about?

4 A. Yes.

5 Q. Can you tell me, just generally, what you
6 understand it to be about?

7 A. Yeah. What I understand is Peter Davis believes
8 that Mr. Beauchamp may have had some responsibility in
9 terms of the counsel he provided to Mr. Chittick.

10 Q. And when you say responsibility in terms of the
11 counsel that he provided to Mr. Chittick, can you --

12 A. To the level that Mr. Chittick was frauded by
13 Mr. Menaged.

14 Q. So if I'm understanding this correctly, you
15 understand this lawsuit to be that Mr. Beauchamp may have
16 been responsible for providing some advice that
17 contributed to the fraud.

18 A. Correct.

19 Q. Is that fair statement?

20 A. Correct.

21 Q. Did you do anything to prepare for this
22 deposition?

23 A. I reviewed a little bit of the information I had
24 in a file.

25 Q. And did you bring that file with you?

RUSS H. DUPPER, 2/20/2019

1 A. No.

2 Q. Can you tell me what's in that file?

3 A. Yeah. I had printed a couple of emails that
4 Mr. Beauchamp sent out real early on, about what likely
5 occurred and what might be some of the course of action to
6 start unwinding --

7 Q. Okay.

8 A. -- the investment. It had my original, I forget
9 what you call, when I signed up for the investment.

10 Q. Oh, okay.

11 A. The original documents.

12 Q. The Subscription Agreement? Does that sound
13 familiar?

14 A. Yeah, the Subscription Agreement would be what
15 was in it.

16 Q. Okay.

17 A. And I think that's about the sum total of
18 everything I had in it.

19 Q. So is it fair to say it's not a very big file?

20 A. No, it's not.

21 Q. Did you talk to anybody about this deposition?

22 A. Yeah. I talked -- no, I didn't talk to anybody.
23 No.

24 Q. No?

25 A. No.

RUSS H. DUPPER, 2/20/2019

1 Q. Are you sure?

2 A. Yes.

3 Q. Okay.

4 A. Well, my family and stuff that I'm being
5 deposed, and my people, people at work know that's where
6 I'm at today, because I'm out for the afternoon.

7 Q. Right.

8 A. That kind of thing.

9 Q. What I should have said is did you talk to
10 anyone to prepare for this deposition, not that you were
11 generally going to be at a deposition.

12 A. I didn't talk to anyone, no.

13 Q. Are you from Arizona?

14 A. No.

15 Q. Did you go to high school here?

16 A. No.

17 Q. College?

18 A. No.

19 Q. Can you briefly walk me through your educational
20 background, starting at college? I don't need to go all
21 the way back to high school.

22 A. Yeah. I just have an associate degree in
23 business. That's my college education level.

24 Q. And I did a little Googling. You are the
25 president of RH Dupper Landscaping, is that correct?

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1 A. Correct.

2 Q. And from what I read on the website, you founded
3 that company with your wife in 1983?

4 A. Correct.

5 Q. I heard you talking to John briefly out in the
6 lobby about what it is that RH Dupper Landscaping does.
7 And I can guess from the name, but can you tell me, can
8 you give me an overview of what it is your company does?

9 A. Yes. What we primarily do is we do
10 construction, landscape construction and landscape
11 maintenance. And our -- the primary work we do in
12 construction is we work for homebuilders doing their
13 development work.

14 Q. Okay.

15 A. And we do commercial work. So like Grand Canyon
16 University is one of our accounts and we do their
17 landscaping for them, and then we do maintenance, so we
18 will maintain HOAs or commercial buildings, you know, like
19 lawn mowing and those kind of things.

20 Q. Is your company, do you the landscaping for your
21 development Trovita?

22 A. No, I don't.

23 Q. I was just curious.

24 A. Well, let me qualify it. We did the
25 landscaping. We didn't do the maintenance.

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1 Q. Okay.

2 A. The original install, we did, but we don't do
3 the maintenance on it.

4 Q. I see.

5 Okay. So shifting gears, when did you first
6 meet Denny Chittick?

7 A. When I had a lot that we bought initially in
8 Trovita and I had citrus trees on it, so I would come over
9 just to check the watering on them and met him because he
10 lived right across the street from the lot. And he had
11 already moved in, so...

12 Q. Did you then eventually build your home on that
13 lot?

14 A. Yes, we did.

15 Q. So you live directly across the street from
16 Denny Chittick?

17 A. Correct.

18 Q. And when did you -- when did you meet him? Do
19 you remember the year?

20 A. I don't remember exactly, but I would probably
21 say like maybe '03 or '04, 2003, 2004.

22 Q. And do you remember when you moved into your
23 home, once it was built?

24 A. Yeah. We moved in in August of 2008.

25 Q. Oh, wow.

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1 So between the '03, '04 period and the '08
2 period, would you say that you saw Denny Chittick
3 frequently or did your relationship really begin when you
4 moved in in '08?

5 A. Yeah, I saw him frequently. The relationship
6 really began when we started building the house, because
7 then I was there much more often, and he lived right
8 across the street, so...

9 Q. Right.

10 (Deposition Exhibit No. 712 was marked for
11 identification.)

12 Q. (BY MS. PATKI) So you can review this. And I
13 should mention, I may hand you documents at certain
14 points. You should feel free to take all the time you
15 need to review it. Some of the documents may be just to
16 help you remember certain events or to place certain
17 events, and some I may have specific questions about.

18 As you will see, this appears to be a list of
19 unit owners in, is it pronounced Trovita?

20 A. Trovita, yeah.

21 Q. Trovita. So this is from January of 2005. And
22 just looking over this list, has the makeup of the
23 neighborhood changed very much from 2005? And I don't
24 need a blow by blow of every person.

25 A. Do you mean from the residents that live there?

RUSS H. DUPPER, 2/20/2019

1 Q. The residents that live here, yes.

2 A. I mean, I don't know everybody in there, so I
3 would say --

4 Q. I understand.

5 A. -- it hasn't changed a lot, but there has been
6 some change.

7 Q. And of the neighbors that you see listed here,
8 do you know if any of them were also investors in DenSco?

9 A. William and Nancy Swirtz, Craig and Tomie Brown,
10 of course my wife and I, Brian and Dawn Imdieke, and Steve
11 and Beth Bunger.

12 Q. And is there anyone that is not on this list
13 that has since moved into the neighborhood whom you know
14 to also be an investor in DenSco?

15 A. No.

16 Q. Is there anyone on this list, either investor or
17 otherwise, who in your opinion was particularly close with
18 Mr. Chittick or his family?

19 A. I would say that Brian Imdieke was probably
20 closer than the others that -- to my knowledge.

21 Q. Anybody else?

22 A. I think that would be it.

23 (Deposition Exhibit No. 713 was marked for
24 identification.)

25 Q. (BY MS. PATKI) So I'm handing you an email.

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1 You will see at the top the date is from May of 2011.
2 It's from Denny Chittick to you and a number of others.
3 And just reading from the email, you will see that it
4 says: We have a few openings on the HOA Board. I am
5 inviting you to submit your name to be on the ballot.

6 Do you recall receiving this email?

7 A. Pardon?

8 Q. Do you recall receiving this email?

9 A. Yes.

10 Q. Did you ever ultimately submit your name to be
11 on the HOA ballot?

12 A. No.

13 Q. So you never served on the HOA?

14 A. No.

15 Q. Did Denny serve on the HOA?

16 A. Yes.

17 Q. What was his position?

18 A. Well, I think he was the chairman for a period
19 of time.

20 Q. But you don't remember what years?

21 A. No.

22 Q. While he was a chairman, I understand that you
23 don't remember the years particularly, was it your
24 impression that he was a particularly involved chairman?

25 A. Yes.

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1 Q. Active?

2 A. Yes.

3 Q. Why would you -- I understand that I use that
4 word, but why would you say that he was active in the HOA?

5 A. Well, if there was ever any kind of issue, like
6 the gate didn't work, if you called him, he was going out
7 there and checking out why the gate didn't work, calling
8 the HOA, trying to get a repairperson out there. So he
9 responded to things that the community needed.

10 Q. In the time that you came to know Mr. Chittick,
11 between roughly 2008 to his suicide, would you say that
12 you knew him well enough to sort of describe his
13 characteristics?

14 A. I mean, to a degree.

15 Q. So how would you describe Mr. Chittick?

16 A. I would --

17 MR. CAMPBELL: Objection as to form.

18 Don't worry about that. That's just for later
19 on if a judge has to rule on something. So you can go
20 ahead and answer.

21 THE WITNESS: Yeah, I would say that he was a
22 take-charge kind of person. Very family oriented, spent a
23 significant amount of time with his two boys. He seemed
24 responsible in terms of how he took care of his residence,
25 and he seemed friendly in terms of knowing most of the

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1 neighbors. He knew the neighbors by name much better than
2 I did. He was involved in the neighborhood in terms of
3 any kind of maintenance or repair items that needed to be
4 taken care of.

5 Q. (BY MS. PATKI) Did you consider Mr. Chittick a
6 friend?

7 A. I wouldn't say I was a friend. I would say that
8 we had a neighborly relationship.

9 Q. Would you say that you trusted Mr. Chittick?

10 A. I mean, to the degree that I knew him, yes.

11 Q. Once you had moved into your home, how
12 frequently would you say that you communicated with
13 Mr. Chittick, for whatever reason?

14 A. I would say I probably communicated with him two
15 or three times a month.

16 Q. Okay. And were these -- by what means would you
17 communicate with him?

18 A. Typically when we would both be out in the front
19 yard.

20 Q. And what were these communications regarding
21 generally?

22 A. The kind of things neighbors talk about. How
23 are your oranges this year.

24 Q. Right.

25 A. How are the kids doing in school. Are you

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1 having trouble with shade killing your grass like I am.

2 Q. Right.

3 A. Those kinds of things.

4 Q. Okay.

5 (Deposition Exhibit No. 714 was marked for
6 identification.)

7 Q. (BY MS. PATKI) why don't you go ahead and just
8 briefly review this email, and let me know when you have
9 read it.

10 Do you recall anything about this email?

11 A. No, I don't.

12 Q. I was going to say, because I noticed the date
13 was 2007 --

14 A. Yeah.

15 Q. -- which was prior to when you had moved in.
16 So you don't recall anything about the --

17 A. No.

18 Q. -- Reedy Management Group --

19 A. No.

20 Q. -- or Chittick sending it? Okay.

21 (Deposition Exhibit No. 715 was marked for
22 identification.)

23 Q. (BY MS. PATKI) You will see that this is an
24 email from 2009, and at the very top it's from Denny
25 Chittick to you and a couple of other individuals. And

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1 it's a forwarded email from Paul Seppanen.

2 Go ahead and just quickly, or just go ahead and
3 read that and then let me know.

4 And you don't need to review the second page.

5 A. Pardon?

6 Q. You don't need to review the second page unless
7 you want to.

8 My question is, do you recall receiving this
9 email?

10 A. I don't recall the email, but I recall the
11 event.

12 Q. Can you tell me what this event was regarding,
13 what happened? Specifically, I'm really interested in why
14 would Denny Chittick be forwarding you this email.

15 A. What I recall in the event is my wife and I were
16 out of town, and we came home and there were police all
17 over our neighborhood and they wouldn't let us go back to
18 our house.

19 So it took a while, and then finally an officer
20 came, you know, interviewed us, escorted us to our house
21 and gave us a bit of information about what the event was.

22 And what I remember the event was, is that
23 Cadzow had entered my neighbor's house to the -- to the
24 west of me while they -- and my neighbor wasn't home. And
25 then when -- and he had entered through the back door that

RUSS H. DUPPER, 2/20/2019

1 was open. And then when he was leaving the yard, he shot
2 two or three rounds through the gate, and they ended up
3 hitting one of the neighbor's houses across the street.
4 That's what I remember the event to be.

5 Q. I see. And why would Mr. Chittick be sending
6 this information to you?

7 A. Probably because I lived across the street, it
8 happened right nextdoor to us, and he was keeping us
9 informed on the event and what was happening next.

10 Q. Did you ask him to do that?

11 A. No.

12 Q. And these other individuals who are listed in
13 the "to" line, are they neighbors?

14 A. I don't know who the Burgoses are or where they
15 live. I know who Bill Swirtz is. He is a neighbor.
16 Larry Heywood, I don't know where he lives. And Steve
17 Bunger, his backyard is against my backyard, so I know
18 where Steve lives. So why he chose who he chose on there
19 to send it to, I don't have any idea.

20 Q. So is it your impression from reading this email
21 or -- strike that.

22 Was he sending this to you as in his capacity as
23 the chairman of the HOA board or simply as a good
24 neighbor?

25 A. I think as a good neighbor.

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1 Q. From what you have told me before, your
2 interactions with Mr. Chittick were infrequent. I believe
3 you said around two to three times a month, once you had
4 moved in, is that correct?

5 A. Correct.

6 Q. In your interactions with Mr. Chittick, was he
7 ever difficult, unpleasant?

8 A. Typically, no, but maybe three or four months
9 before he committed suicide, he was more reserved and
10 withdrawn.

11 Q. And in what way was he more reserved?

12 A. Just less -- just not seeing him as often. And,
13 you know, if I was working in my garage, he wasn't coming
14 over and just chitchatting. He was less visible.

15 Q. Less visible.

16 But prior to those three or four months, he --
17 he would engage with you more. Is that fair?

18 A. He was more friendly.

19 Q. He was more friendly?

20 A. And just more visible.

21 Q. Right.

22 So when you say more visible, he would be out in
23 the neighborhood more?

24 A. Correct.

25 Q. He would be out in his front yard?

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1 A. Correct.

2 Q. I think you had testified earlier that he was
3 friendly, that he seemed to know most people in the
4 neighborhood?

5 A. Correct.

6 Q. That's correct.

7 So in the three or four months prior to him
8 committing suicide, you saw -- you saw a change in how he
9 was interacting with individuals in the neighborhood?

10 A. Yeah.

11 Q. Other than that, was he ever arrogant,
12 reclusive, standoffish?

13 A. No.

14 Q. So you would say prior to those three or four
15 months, he was always pleasant?

16 A. Yes.

17 Q. Did you get the impression that Mr. Chittick had
18 many good friends?

19 A. I didn't really know.

20 Q. From what I have seen in some of the
21 communications and the fact that you lived right across
22 the street, I'm assuming that you had met Mr. Chittick's
23 family at some point?

24 A. I had met his mom and dad, because they used to
25 come and stay with him, and his dad used to pick his

1 oranges.

2 Q. I have seen a lot of emails about oranges.
3 Did you ever meet his wife Ranasha?

4 A. Yes.

5 Q. What were your impressions of Ranasha, your
6 initial impressions when you met her?

7 A. That she was friendly and neighborly.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 Q. In what way?

20 A. That they seemed to be a mom and dad and a
21 family and were friendly neighbors.

22 Q. How frequently would you say you saw Ranasha?

23 A. I would say I probably saw Ranasha maybe once a
24 month.

25 Q. So even less that than Mr. Chittick?

RUSS H. DUPPER, 2/20/2019

1 A. Yeah.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

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RUSS H. DUPPER, 2/20/2019

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Q. You mentioned that you had met Mr. Chittick's mother and father?

A. Yes.

Q. Did you -- did you ever meet Mr. Chittick's siblings?

A. I don't think so.

Q. Did Mr. Chittick ever talk to you about his siblings?

A. Yes.

Q. Tell me what he may have told you about his siblings.

A. Well, a few times he went back to visit them, and he would say I'm going back to see my sister and I'll be gone a couple weeks, so -- and that was kind of the extent of it.

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1 Q. So he -- did you come to know how many siblings
2 he had?

3 A. No.

4 Q. Did Mr. Chittick ever mention any difficulties
5 in his relationships with his parents or siblings?

6 A. No.

7 Q. Did Mr. Chittick ever discuss his childhood with
8 you?

9 A. No.

10 Q. When did you first learn of Mr. Chittick's
11 suicide?

12 A. I was on vacation and we got a text, my wife got
13 a text from one of the neighbors saying: I'm not home.
14 There is some kind of issue happening at Denny's house.
15 Can you run over to my house and be with my kids?

16 Q. Do you remember who this neighbor was?

17 A. Yeah. It was Tiffany, but I can't think of her
18 last name right now.

19 Q. And obviously you were on vacation?

20 A. Yes.

21 Q. So in that text, Tiffany asked you to go over to
22 her house to be with her, was it daughter?

23 A. I think it might -- she has triplets, and it
24 might have been all three of them and maybe a friend was
25 there. That's what I remember.

RUSS H. DUPPER, 2/20/2019

1 Q. But in the text that you got, the text only said
2 there is something going on at Denny's --

3 A. Yeah.

4 Q. -- is that correct?

5 A. Correct.

6 Q. So then did you do something to follow up and
7 learn specifically of the suicide?

8 A. Yeah. What happened was my wife responded that
9 we are on vacation and not home, I can't come over.

10 Q. Right.

11 A. And then we got a text from her sometime later,
12 not -- you know, I don't remember exactly how long, that
13 said --

14 Q. "Her" being Tiffany?

15 A. Yeah, "her" being Tiffany, back to my wife, and
16 I think it said Denny hung himself.

17 Q. Did your wife then have any follow-up text with
18 Tiffany?

19 A. I don't think we did any follow-up after that
20 while we were on vacation, but I can't exactly remember.

21 Q. Right.

22 Do you remember what your reaction was to
23 learning that Mr. Chittick had hung himself?

24 A. Yes. I was shocked.

25 Q. And why were you shocked?

RUSS H. DUPPER, 2/20/2019

1 A. Because I didn't ever expect that of Denny.

2 Q. And why did you not expect that of Mr. Chittick?

3 A. Because of what I observed him, as a neighbor
4 across the street, he seemed happy and involved with the
5 neighborhood and involved with his kids and seemed upbeat,
6 and just didn't seem like the kind of person that might be
7 struggling with those kind of issues.

8 Q. So notwithstanding the fact that he seemed a
9 little more reserved and withdrawn in the three to four
10 months prior to his suicide, you were still, is it fair to
11 say, or I'm hearing you say you are still very surprised
12 by his suicide?

13 A. Correct.

14 Q. Switching gears a little bit, you clearly were
15 an investor of DenSco, correct?

16 A. Correct.

17 Q. And do you remember when you first became an
18 investor of DenSco?

19 A. Yeah. That was September of 2013.

20 (Deposition Exhibits No. 716 and 717 were marked
21 for identification.)

22 Q. (BY MS. PATKI) You have just been handed two
23 exhibits. One, the first one, you will see across the top
24 says DenSco Investment Corporation General Obligation
25 Note. The name is in the Dupper Living Trust.

RUSS H. DUPPER, 2/20/2019

1 Does this look familiar to you?

2 A. Yes.

3 Q. And then the second document you were handed was
4 the DenSco Investment Corporation Subscription Agreement,
5 dated September 13th, 2013.

6 Does that look familiar to you as well?

7 A. Yes.

8 Q. Are these some of the documents that were in
9 that file that you reviewed earlier?

10 A. Correct.

11 Q. Are there any other documents related to your
12 investment in DenSco that are in that file that I did not
13 just hand to you?

14 A. A couple of emails.

15 Q. Just a couple of emails. But no --

16 A. But no other documents such as this, no.

17 Q. Why did you choose to invest with DenSco in
18 2013?

19 A. Because I thought we were past the Great
20 Recession, and it seemed like Denny weathered that, and I
21 was familiar with hard-money lending and deeds of trust,
22 so I decided that I wanted to invest.

23 Q. You lived across from Mr. Chittick from 2008,
24 but you didn't invest until 2013.

25 When did you first come to learn of DenSco and

RUSS H. DUPPER, 2/20/2019

1 what DenSco did?

2 A. Boy, I would say while I was building our house.

3 Q. And how did you come to learn about DenSco?

4 A. Just from casually discussing with Denny what he
5 does for work.

6 Q. I see. Was there anything other than the fact
7 that you thought we had finally made our way through the
8 Great Recession that caused you to finally pull the
9 trigger and invest with DenSco in 2013?

10 A. No.

11 Q. No?

12 You just thought it was the right time?

13 A. Yeah.

14 Q. Was this -- without delving into your personal
15 finances, I'm not interested in that, was this \$800,000
16 investment, would you consider that a sizable amount of
17 money to invest?

18 A. Yes.

19 Q. This has been marked as Exhibit 623 previously.
20 Excuse me. This is an August 2nd, 2017, letter from Simon
21 Consulting. Simon Consulting is the receiver's company.

22 Does that sound familiar?

23 A. Is that who Peter Davis works for?

24 Q. Peter Davis, yes.

25 A. Yeah.

RUSS H. DUPPER, 2/20/2019

1 Q. You will see that the very first sentence says:
2 You are receiving this letter and the attached documents
3 because you filed a Proof of Claim in the DenSco
4 receivership.

5 And then on, it says page 1, but it's the third
6 page of this packet, claim number 29 is the Dupper Living
7 Trust.

8 A. Correct.

9 Q. And it says \$528,551.20.

10 How did you arrive at this number?

11 A. Well, I was informed by the time we had
12 invested, it was already deemed a Ponzi scheme and all
13 interest payments were deemed return of principal. So I
14 calculated all interest payments and subtracted them from
15 the \$800,000 we invested and arrived at the \$528,551.21,
16 and that's what I believed we were instructed to do in
17 arriving at this particular number.

18 Q. Did you ever receive any interest payments from
19 DenSco?

20 A. Yes.

21 Q. Do you remember roughly what those interest
22 payments totaled to?

23 A. It would be about 271,000. It would be the
24 different between.

25 Q. It would be the difference, right?

RUSS H. DUPPER, 2/20/2019

1 A. Yes.

2 Q. So from your answer I'm guessing that you did
3 not consult with a lawyer before filing this Proof of
4 Claim, did you?

5 A. No.

6 Q. You had said previously that you had some
7 familiarity with hard-money lending.

8 Can you tell me what you understood about the
9 hard-money lending industry?

10 A. Well, what I understood is that it's a high-risk
11 industry and it pays a high interest rate, but in the
12 hard-money lending industry, each loan is collateralized
13 by the real estate that it's -- the money is lent for, and
14 there is a deed of trust recorded against it.

15 Q. All right. And what did you understand
16 specifically that DenSco did?

17 A. What I understood that he did is he did
18 hard-money lending; that every real estate piece that he
19 lent on was secured by a deed of trust that had the first
20 position.

21 Q. Okay. And when you finally did decide to invest
22 with DenSco, prior to actually giving DenSco your money,
23 did you have any sort of conversation with Mr. Chittick
24 about your investment?

25 A. Yes.

RUSS H. DUPPER, 2/20/2019

1 Q. Tell me about that conversation.

2 A. Yeah. Our conversation involved exactly how
3 does the mechanics of your business work, in terms of are
4 you securing it with a deed of trust, do you have the
5 first position, is all -- are all loans done that way.
6 And, you know, during the Great Recession, what did you do
7 in the event of the defaults you had. And, you know, he
8 said during that time, I ended up taking them back and I
9 rented them out until there was enough recovery that I
10 could sell them, so...

11 Q. Do you recall when this conversation occurred?

12 A. We had talked about it a few times over the
13 years, so I would say that one that I was just describing
14 was probably in the summer of '13.

15 Q. And was this conversation, do you remember was
16 it just while you two were out in front of your houses, or
17 did you go over to his house specifically to talk to him
18 about investing?

19 A. I think it was just in front of our houses.

20 Q. That must have been a pretty long conversation.

21 A. Yeah.

22 Q. In saying that you are familiar with the
23 hard-money lending industry, had you ever invested with
24 any other hard-money lenders?

25 A. Yes.

RUSS H. DUPPER, 2/20/2019

1 Q. Who else had you invested with or what company
2 had you invested with?

3 A. I don't remember the name of the company, but
4 the name of the individual was Joe Cook.

5 Q. And that was here in Arizona?

6 A. Yes.

7 Q. What years did you invest with Mr. Cook?

8 A. I'm just kind of guessing here --

9 Q. Yeah.

10 A. -- but I would say maybe 2000 to 2005 or '06.

11 Q. Was the amount that you invested with Mr. Cook,
12 was it comparable to what you invested with DenSco?

13 A. Yes.

14 Q. And were you happy with your returns in that
15 prior investment?

16 A. Yes.

17 Q. Is there a reason that you stopped investing
18 with Mr. Cook?

19 A. Yes.

20 Q. Can you share why you may have stopped investing
21 with Mr. Cook?

22 A. Yeah. I felt like the real estate industry was
23 ready to crash, and that it wasn't a good risk anymore and
24 stopped investing.

25 Q. So it seems to me that you have a pretty good

RUSS H. DUPPER, 2/20/2019

1 feel for the real estate industry.

2 Is that fair to say?

3 A. To a degree.

4 Q. Do you have an interest in the real estate
5 industry in terms of is that your hobby? Do you --

6 A. I have an interest in it, yeah. I wouldn't say
7 it's my hobby.

8 Q. Right.

9 At the time of Mr. Chittick's death, if our
10 records are correct, you had only ever invested 800,000,
11 correct?

12 A. Correct.

13 You are talking with DenSco?

14 Q. Right, with DenSco.

15 A. Yeah.

16 Q. I apologize. With DenSco. I should have been
17 clearer.

18 A. Yeah.

19 Q. And if we look back at the general obligation
20 note that was handed to you, that I can no longer find --
21 yes -- we see that it was issued in September of 2013 and
22 it matured in September of 2015.

23 Is that correct?

24 A. Correct.

25 Q. In September of 2015, did you roll over that

RUSS H. DUPPER, 2/20/2019

1 \$800,000 into DenSco again?

2 A. I don't think there was any transaction.

3 Q. There was no transaction?

4 A. I think it just was left. I don't think we had
5 a discussion over it.

6 Q. You did have a discussion?

7 A. No, I don't think so.

8 Q. So in September, September 2013, or
9 September 13th of 2015 came and went and nothing happened
10 with your note?

11 A. Correct. That's what I remember.

12 Q. So you signed no new subscription agreement?

13 A. No.

14 Q. And Mr. Chittick never came to talk to you about
15 it?

16 A. No. Not that I recall, no.

17 Q. Did you remember that your initial note had --
18 was maturing in September of 2015?

19 A. No.

20 Q. After you invested with DenSco, did you ever
21 talk to Mr. Chittick about how DenSco was doing, how
22 business was going?

23 A. Yeah.

24 Q. Yeah?

25 How frequently would you say you did?

RUSS H. DUPPER, 2/20/2019

1 A. Every six months.

2 Q. Six months.

3 And, again, was this just when you happened to
4 see each other --

5 A. Yeah.

6 Q. -- in front of your houses?

7 A. Correct.

8 Q. I understand that Mr. Chittick frequently, or
9 not frequently, occasionally had gatherings with DenSco
10 investors.

11 Is that fair to say?

12 A. Correct.

13 Q. Did you ever attend those gatherings?

14 A. Yes.

15 Q. How frequently would you say that these DenSco
16 gatherings occurred?

17 A. Annually.

18 Q. Annually. Were these gatherings at
19 Mr. Chittick's house?

20 A. Correct.

21 Q. Would you say that through those gatherings or
22 otherwise, you came to know the other DenSco investors?

23 A. No.

24 Q. No.

25 Would you say that you know any of the other

RUSS H. DUPPER, 2/20/2019

1 DenSco investors?

2 A. Yes.

3 Q. Who are the DenSco investors that you would say
4 you know the best?

5 A. The Imdiekes, the Bungers, the Browns, the
6 Swirtzes.

7 Q. The ones who live in your neighborhood. Is that
8 fair?

9 A. Correct.

10 Q. And would you say that relationship is primarily
11 based on the fact that you all live in the neighborhood,
12 not that you are all necessarily DenSco investors?

13 A. Correct.

14 Q. We know that Mr. Chittick sent periodic
15 communications to all of his investors, is that correct?

16 A. Correct.

17 Q. What kinds of communications did you receive
18 from Mr. Chittick as an investor?

19 A. Mostly statements.

20 Q. Statements.

21 And these statements were monthly?

22 A. Might have been quarterly. My wife does our
23 finances and it was her email that she got them, so I
24 think they were quarterly, but I'm not sure.

25 Q. I think I have an example. Yes.

RUSS H. DUPPER, 2/20/2019

1 (Deposition Exhibit No. 718 was marked for
2 identification.)

3 Q. (BY MS. PATKI) So this is, as you can see
4 across the top, this is a statement from DenSco Investment
5 Corporation to you from June 2016.

6 Does this look familiar?

7 A. Yes.

8 Q. Was this the last statement that you received
9 from DenSco?

10 A. I don't recall.

11 Q. Other than the -- so when you say that you
12 received statements, were you thinking of this?

13 A. Yes.

14 Q. Did you ever receive a quarterly communication,
15 like a newsletter? Not your specific performance, but
16 just any other sort of general information about DenSco.

17 A. I don't remember.

18 (Deposition Exhibit No. 719 was marked for
19 identification.)

20 Q. (BY MS. PATKI) You will see that this is an
21 email from Mr. Chittick in September of 2013, and it
22 appears to be to his investors. And it says -- and the
23 subject is: Newsletter. It's up now, sorry. And there
24 is a link to DenSco Investment.

25 Does this look familiar to you at all?

RUSS H. DUPPER, 2/20/2019

1 A. I don't remember it.

2 Q. So if I were to tell you that Mr. Chittick had
3 sort of quarterly newsletters that updated people on the
4 economy both locally and nationally --

5 A. Yeah.

6 Q. -- is that starting to ring a bell?

7 A. Yeah, that, I do remember those.

8 Q. Okay.

9 A. Yeah.

10 Q. So tell me, what do you remember about those
11 newsletters, now that it's sort of starting to come back
12 you to?

13 A. Yeah. I think, like you said, he would give you
14 sort of his read on the economy. And I don't recall it.
15 I don't really recall the content of them.

16 Q. You don't?

17 A. No.

18 Q. Do you remember if you would read those
19 newsletters when they came to you?

20 A. Not usually.

21 Q. Not usually. Okay.

22 Is there a reason that you didn't read the
23 newsletters?

24 A. Just time constraints.

25 Q. But did you -- I'm assuming that if you --

RUSS H. DUPPER, 2/20/2019

1 Strike that. I shouldn't assume anything.

2 If you invested with DenSco, you were confident
3 in -- were you confident in Denny's understanding of the
4 housing industry here in Phoenix?

5 A. Yes.

6 Q. So it seems to me that you didn't necessarily
7 come to look for these newsletters; did you?

8 A. No.

9 Q. So if Mr. Chittick didn't send you a newsletter
10 on time, that wouldn't have necessarily piqued your
11 interest?

12 A. No.

13 Q. Do you recall Mr. Chittick ever sending you a
14 document called the Private Offering Memorandum?

15 A. Yes.

16 Q. Yes.

17 Do you recall signing a document called the
18 Private Offering Memorandum?

19 A. Yeah, I think I did.

20 Q. Do you recall when you signed the POM?

21 A. No.

22 Q. This has been marked as 557. And for whatever
23 reason, I only have two copies, so I'm going to make two
24 more copies.

25 MR. DeWULF: Don't worry about it. She has got

RUSS H. DUPPER, 2/20/2019

1 a copy.

2 MR. CAMPBELL: Is this one he signed or was it
3 just a generic one?

4 MR. DeWULF: I don't think it's signed.

5 MS. PATKI: It's not signed, no. This is from
6 2011.

7 Q. (BY MS. PATKI) Does this look familiar to you?

8 A. Yeah.

9 Q. What was the purpose of the POM, as you
10 understood it?

11 A. To describe the nature of his business and how
12 it worked and to have disclosure on the risks and --

13 Q. Did you read the POM?

14 A. Yeah.

15 Q. Did you ever receive more than one POM?

16 A. I think so.

17 Q. You think so.

18 Do you have any idea how many you would have
19 received?

20 A. I think two.

21 Q. Two.

22 Do you remember what years you would have
23 received them?

24 A. I think I received one early after we moved in,
25 like maybe '08 or '09, somewhere in there, and then maybe

RUSS H. DUPPER, 2/20/2019

1 I received another one in '11 or '12.

2 Q. So you received a POM before you ever invested?

3 A. Yes.

4 Q. Is there a reason that you received a POM before
5 you invested?

6 A. Yeah. It would be to learn about how the
7 business worked and to consider the investment.

8 Q. So when you ultimately invested in 2013, you say
9 that you received a POM in '08, '09, and then '11 or '12.

10 Is it fair to say that you did not receive a POM
11 around the time that you actually became an investor with
12 DenSco?

13 A. I probably received another one then.

14 Q. You probably received one then?

15 A. Yeah.

16 Q. Did you -- after reading the POM either in '08,
17 and '09 or '11 and '12, did you ever ask Mr. Chittick any
18 follow-up questions about the POM?

19 A. Yes.

20 Q. Do you remember what you may have asked him?

21 A. No.

22 Q. No.

23 Was there anything that you recall, in reading
24 the POM and your familiarity with the hard-money lending
25 industry, was there anything about the POM that stuck out

RUSS H. DUPPER, 2/20/2019

1 to you?

2 A. No.

3 Q. Nothing seemed out of the ordinary?

4 A. No.

5 Q. Do you ever recall asking Mr. Chittick about the
6 nature of the loans that he made with the funds that he
7 got from investors?

8 A. Yes.

9 Q. You do?

10 what did you ask him?

11 A. I just asked him, like, what kind of real estate
12 do you end up doing loans on, you know, are you getting
13 deeds of trust and are you knowing that you are in the
14 first position, those kinds of things.

15 Q. And do you recall asking Mr. Chittick anything
16 about the loan-to-value ratio that DenSco sought to
17 maintain?

18 A. Yes.

19 Q. And what did you ask him?

20 A. I just asked him what his loan-to-value ratio
21 was.

22 Q. Do you remember what he told you?

23 A. It might say it in here, too, but I think it was
24 70 percent.

25 Q. And were you comfortable with that loan-to-value

RUSS H. DUPPER, 2/20/2019

1 ratio?

2 A. At the time I invested, yes.

3 Q. Do you recall asking Mr. Chittick about how the
4 monies would be advanced, like whether they would be
5 provided to title companies or trustees or whether they
6 would be provided directly to borrowers?

7 A. No.

8 Q. No.

9 Do you recall asking Mr. Chittick what due
10 diligence he had done on properties --

11 A. Yes.

12 Q. -- that DenSco owned?

13 And what did he tell you?

14 A. He said that he would search the title, he would
15 end up looking at comps in the neighborhood, and he had a
16 certain vetting process to vet the value of what he
17 determined the property would be through processes similar
18 to what real estate agents do.

19 Q. Do you recall asking Mr. Chittick about the
20 diversity of DenSco borrowers?

21 A. No.

22 Q. Do you recall asking Mr. Chittick about the
23 concentration of loans that he made to any one person or
24 entity?

25 A. No.

RUSS H. DUPPER, 2/20/2019

1 Q. Did you understand when you invested with DenSco
2 that Mr. Chittick was the manager, director, and sole
3 shareholder of DenSco?

4 A. Yes.

5 Q. Did you ever meet anyone else who purported to
6 work for DenSco?

7 A. No.

8 Q. Prior to Mr. Chittick's death, is it safe to say
9 that you were happy with your investment in DenSco?

10 A. Yes.

11 Q. And looking at the general obligation note, we
12 see that you were making an annual rate of 12 percent. Is
13 that correct?

14 A. Correct.

15 Q. So is it safe to say that you felt like that
16 that was a good investment?

17 A. Yes.

18 Q. But obviously you said that the hard-money
19 lending industry is a risky industry, correct?

20 A. Yes.

21 Q. So you understand that there was a risk with
22 your investment?

23 A. Yes.

24 Q. And what did you understand those risks to be?

25 A. To be that the people that are buying those

RUSS H. DUPPER, 2/20/2019

1 investments are paying an 18 percent interest rate, and
2 they need to know how to fix it up correctly, put the
3 right amount of money in it and turn it in a really short
4 timeframe or the interest eats them up.

5 Q. Right.

6 Did you ever learn of any problems with either
7 your investments or any other investments made with
8 DenSco --

9 A. Yes.

10 Q. -- prior to Mr. Chittick's death?

11 A. Yes.

12 Q. Can you tell me about what happened?

13 A. Yeah. During the 2008 crash of real estate,
14 there were times when I talked with Denny about having to
15 take -- repossess properties, take ownership of them and
16 work them through himself to get them liquidated.

17 Q. But obviously since you didn't invest with
18 DenSco, that was not an issue with any of your investments
19 or with DenSco?

20 A. Because I wasn't invested at that time, no.

21 Q. Right.

22 Did you ever not receive an expected quarterly
23 interest payment on time?

24 A. Prior to Denny's death, no.

25 Q. Prior to Denny's death. Okay.

RUSS H. DUPPER, 2/20/2019

1 (Deposition Exhibit No. 720 was marked for
2 identification.)

3 Q. (BY MS. PATKI) So you will see this is an email
4 from Mr. Chittick in April of 2014 to what appeared to be
5 investors. And this is an email discussing that Bank of
6 America has essentially closed his DenSco account.

7 It says: The reason for this is that all of the
8 info -- this is the last sentence of the first
9 paragraph -- all the info to which I have used for years
10 to make your deposits were completely removed from my bank
11 profile on BofA's website.

12 And then he goes on to say: You may ask what's
13 happened? This is a rather trying tale. Two weeks ago I
14 was unable to login to my account. I started calling my
15 client manager and the 800's. All I got was I needed to
16 call this other 800 in the risk department. Once I spoke
17 to them, I found out that BofA closed my account for
18 multiple high dollar consistent transactions to repeated
19 like accounts.

20 Do you recall receiving this email?

21 A. Yes, I do.

22 Q. At the time that you received this email, did
23 you have any concern about anything related to DenSco?

24 A. No.

25 Q. Did you ask Mr. Chittick anything, any follow-up

RUSS H. DUPPER, 2/20/2019

1 about this email?

2 A. Yes.

3 Q. And what did you ask him?

4 A. I just asked him if he was able to resolve the
5 conflict with the bank, and if he knew what caused it and
6 what -- if he anticipated if it could happen again or not.

7 Q. And what did he say?

8 A. He said he was getting it resolved, and he
9 didn't anticipate it happening again.

10 Q. So there was nothing about this email that
11 concerned you?

12 A. I mean, it concerned me about the bank and
13 getting his accounts frozen, but it didn't concern me
14 about the investment quality.

15 Q. It didn't raise any questions with how DenSco
16 was operating or raise any red flags for you regarding
17 your investment with DenSco.

18 A. No.

19 Q. Is that fair?

20 Okay. Other than what happened around the Great
21 Recession, did you ever learn of any problems that DenSco
22 was having with its loans --

23 A. No.

24 Q. -- the loans that it made out?

25 Okay. Do you know -- at the time that you were

RUSS H. DUPPER, 2/20/2019

1 investing and prior to Mr. Chittick's suicide, did you
2 know whether Mr. Chittick was consulting an attorney on
3 DenSco matters?

4 A. No.

5 Q. So you never talked to him about if he had legal
6 representation?

7 A. No.

8 Q. So is it safe to say that you did not know who
9 DenSco's attorney was prior to Mr. Chittick's death?

10 A. Correct.

11 Q. Did Mr. Chittick ever solicit or request your
12 advice on DenSco-related business?

13 A. No.

14 Q. Do you know if he ever approached any other
15 investors for advice on DenSco-related business?

16 A. I don't know.

17 Q. In certain communications we have seen
18 references to some sort of advisory panel or advisory
19 group that Mr. Chittick may have consulted on DenSco
20 matters.

21 Does that sound familiar at all to you?

22 A. It sounds familiar after his death that they
23 were thinking about putting together an advisory panel.

24 Q. Right. That's separate.

25 A. Yeah. But prior to that, no.

RUSS H. DUPPER, 2/20/2019

1 Q. Okay. So then other than routine investor
2 communications you received and these sort of one-off
3 conversations that you had with Mr. Chittick about DenSco,
4 did he ever talk to you about DenSco business?

5 A. No.

6 Q. Other than the \$800,000 that you initially
7 invested, did Mr. Chittick ever solicit you for additional
8 money to invest with DenSco?

9 A. No.

10 Q. Did you ever consider investing additional money
11 after this \$800,000 --

12 A. No.

13 Q. -- in DenSco?

14 And why is that?

15 A. Because I had an allocation of what I was
16 willing to risk --

17 Q. Right.

18 A. -- and that was the amount.

19 Q. And I think I know the answer to this, but just
20 to be clear, were you happy with how Mr. Chittick was
21 running DenSco prior to his death?

22 A. Yes, with the limited knowledge I had.

23 Q. Right.

24 Did you ever seek Mr. Chittick's advice on
25 financial or investment matters outside of DenSco?

RUSS H. DUPPER, 2/20/2019

1 A. Yes.

2 Q. What did you seek his advice and help on?

3 A. I asked him a time or two what else he invests
4 in, to -- to just talk back and forth about what other
5 investment opportunities that he might be using himself.

6 Q. And why would you have asked him that?

7 A. Because I am an investor and he is an investor,
8 and investors talk about investments.

9 Q. Did you think he was a good investor?

10 A. I thought so, yes.

11 Q. Going back to, you had alluded to this before,
12 this advisory group, you mentioned that an advisory group
13 was formed after Mr. Chittick's passing, correct?

14 A. Well, they were talking about forming one.

15 Q. They were talking about forming one. Okay.

16 (Deposition Exhibit No. 721 was marked for
17 identification.)

18 Q. (BY MS. PATKI) So you will see here that this
19 an email, the top is an email from Mr. Beauchamp you to,
20 and below that is an email from you to Mr. Beauchamp. And
21 actually, I have the beginning of the string here. This
22 has previously been marked as 214.

23 A. Pardon? I was reading.

24 Q. Yeah. And so Exhibit 214 that I handed to you,
25 that is simply -- 721 is incomplete in the sense that you

RUSS H. DUPPER, 2/20/2019

1 can't see what email you were responding to, and so the
2 bottom of 214 is the email that Mr. Beauchamp originally
3 sent to all of the DenSco investors that you then
4 responded to.

5 It's fairly lengthy, so feel free to read it if
6 you would like, but from skimming it, you will see that it
7 was sent on August 3rd, 2016, pretty -- pretty soon after
8 Mr. Chittick committed suicide.

9 Does this email that Mr. Beauchamp sent you
10 in 2014 look familiar to you?

11 A. Yeah.

12 Q. So you will see here in this email he is just
13 summarizing basically what's happened and the steps going
14 forward. And in the last paragraph it says: If we are
15 going to proceed informally to keep costs down, we
16 understand that we need to communicate with you on a
17 regular basis and we need to be able to receive
18 communication from you as the investors. To have good and
19 open communication, we would like to create an "Advisory
20 Board" of 5 Investors to meet with and to advise DenSco
21 with respect to the information obtained and how that
22 information can best be used to cost-effectively help
23 DenSco to recover funds that are owed to DenSco.

24 And then going to 721, I believe that your email
25 back to Mr. Beauchamp in the second paragraph says: I am

RUSS H. DUPPER, 2/20/2019

1 in agreement -- I am in agreement with your course of
2 action and your emphasis on making every effort to keep
3 DenSco out of a protracted bankruptcy or contentious
4 Receivership proceeding. Please consider me as a
5 potential Advisory Board member.

6 Do you remember why you volunteered to serve on
7 the Advisory Board?

8 A. Yes.

9 Q. And why did you agree to serve on the Advisory
10 Board?

11 A. Because I was hoping that I could be a part of
12 resolving what happened in a way that made investors and
13 Denny's family as whole as they could be.

14 Q. And in this email to Mr. Beauchamp, you say: I
15 am in agreement with your course of action and your
16 emphasis on making every effort to keep DenSco out of a
17 protracted bankruptcy or contentious Receivership
18 proceeding.

19 why did you feel that way?

20 A. Because I felt like if it went into
21 receivership, a large amount of the money was going to
22 have to be spent to the receiver to unravel it.

23 Q. I take it from what you suggested about this
24 Advisory Board that the Advisory Board never came to pass.
25 Is that fair?

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1 A. As far as I remember, yes.

2 Q. Do you know why that never happened?

3 A. I don't know exactly.

4 Q. Okay. So after Mr. Beauchamp in 721 says,

5 "Thank you for your email and for volunteering to serve on
6 the Advisory Board. We will get back to you as soon as we
7 have some more information," do you recall whether there
8 was ever any other follow-up?

9 A. I don't recall exactly.

10 Q. Okay. In the days after Mr. Chittick's death,
11 and we have seen a lot of -- it seems like it was a pretty
12 chaotic time and there were lots of emails flying back and
13 forth, do you recall anyone or a few investors sort of
14 stepping up and trying to take the lead on figuring out
15 what had happened and what the next steps would be?

16 A. Yeah, there were a couple investors, I don't
17 remember their names, but they seemed way more invested
18 than other investors, in terms of trying to figure out
19 what happened and how were we going to recover our
20 investment.

21 Q. Would you say that you were one of those
22 investors that was more invested, for lack of a better
23 word?

24 A. No.

25 Q. No.

RUSS H. DUPPER, 2/20/2019

1 And why is that?

2 MR. CAMPBELL: Form.

3 THE WITNESS: Because I really felt like it was
4 going to be out of my hands and it wasn't going to be able
5 to have an impact on it.

6 Q. (BY MS. PATKI) Do you recall anybody else who
7 volunteered to serve on this Advisory Board with you?

8 A. I don't recall.

9 Q. So you never talked to any of the other
10 investors about serving on the Advisory Board?

11 A. I may have.

12 Q. But you don't recall anything about those
13 conversations?

14 A. Huh-uh.

15 Q. Do you recall any discussions coming up amongst
16 the investors about the FBI possibly looking into what had
17 happened with DenSco?

18 A. Yeah, I had heard that.

19 Q. What did you hear?

20 A. I just heard that based on the nature of the
21 case, that the FBI possibly might get involved.

22 Q. And do you remember who you heard that from?

23 A. No.

24 Q. Do you remember there being any discussions
25 about getting a forensic accountant involved to look into

RUSS H. DUPPER, 2/20/2019

1 the finances of DenSco --

2 A. Yes.

3 Q. -- to try and figure out what happened?

4 And what do you remember about those
5 discussions?

6 A. I don't think they were discussions. They might
7 have been emails. I just remember that someone suggested,
8 potentially someone suggested that might be a good idea.

9 Q. Do you remember who suggested that?

10 A. No.

11 Q. Were you ever a borrower of DenSco?

12 A. No.

13 Q. Did you ever hear, in your conversations with
14 Mr. Chittick, of this group with the initials MOM?

15 A. No.

16 Q. So the MOM group doesn't sound familiar to you?

17 A. Huh-uh.

18 Q. Now, since Mr. Chittick's passing, I assume you
19 have come to know of an individual known as Scott
20 Menaged --

21 A. Yes.

22 Q. -- Yomtov Scott Menaged.

23 what do you know about Mr. Menaged in relation
24 to DenSco?

25 A. That he was the major person in terms of how

RUSS H. DUPPER, 2/20/2019

1 many loans were done to him, and that he was -- he had
2 frauded DenSco.

3 Q. And when did you learn of Mr. Menaged?

4 A. As best I can recall, Peter Davis's firm
5 probably sent information out about him.

6 Q. Do you recall what Mr. Davis may have told you
7 about Mr. Menaged?

8 A. Well, I went to an informational meeting that he
9 had where he explained what Mr. Menaged had been doing,
10 and how -- how they were trying to unwind the loans that
11 happened.

12 Q. Uh-huh.

13 A. And just some of the specifics of what occurred.

14 Q. Okay. And do you remember anything about the
15 specifics of what occurred?

16 A. Well, what I recall was that when Mr. Menaged
17 would get a loan, there were times he would get loans from
18 two hard-money lenders, and oftentimes DenSco's deed of
19 trust was in the second position and not the first
20 position, and then the collateral was -- was -- there
21 wasn't any collateral left, because the first position had
22 the right to the value of the home.

23 Q. Anything else?

24 A. I mean, he gave us a bit of idea of what it was
25 going to take for them to kind of unwind it, and he was

RUSS H. DUPPER, 2/20/2019

1 saying that one of the things that they planned on doing
2 was collecting the good loans as quick as they could.

3 Q. Uh-huh.

4 A. That they would make return of investment
5 investors funds when they could see more clearly the path
6 and what was available to be returned.

7 Q. And when you say "good loans," what do you mean?

8 A. Well, there were some performing loans that were
9 in process, so on the performing loans, they were
10 continuing to try to collect, you know, both the interest
11 and the original principal so they could get the liquidity
12 back from those loans.

13 Q. Were you surprised to learn from Mr. Davis that
14 Denny had made loans to Mr. Menaged that were not secured
15 in the first position?

16 A. Yes.

17 Q. And why were you surprised by that?

18 A. Because I thought all loans were secured by the
19 real estate purchased with a deed of trust in the first
20 position.

21 Q. And why did you understand that to be the case?

22 A. I understood that from the investment material
23 and my discussions with Denny.

24 Q. So just to be clear, when you were talking with
25 Denny, Denny always represented to you that his loans were

RUSS H. DUPPER, 2/20/2019

1 secured in the first position?

2 A. As best I can remember.

3 Q. As best you can remember.

4 would you like to take a break?

5 A. Sure.

6 Q. We have been going for over an hour.

7 (A recess was taken from 2:18 p.m. to 2:33 p.m.)

8 Q. (BY MS. PATKI) So before the break we had just
9 started talking about Mr. Menaged and what you had learned
10 since Mr. Chittick's passing about what Mr. Chittick was
11 doing with relation to his loans to Mr. Menaged.

12 I think you have answered this, but just to
13 close the loop on this, is it fair to say that
14 Mr. Chittick never mentioned Mr. Menaged to you prior to
15 his passing?

16 A. Yes.

17 Q. Did you ever see any record of how much money
18 Mr. Chittick was loaning to Mr. Menaged or his entities?

19 A. Prior to his passing?

20 Q. Prior to his passing.

21 A. No.

22 Q. Do you know if Mr. Chittick ever spoke to any of
23 his investors about his loans with Mr. Menaged?

24 A. Yeah, I don't know.

25 Q. So since Mr. Chittick's death, you have learned

RUSS H. DUPPER, 2/20/2019

1 about Mr. Menaged and you have learned about -- have you
2 learned anything about the relationship between
3 Mr. Chittick and Mr. Menaged?

4 A. Other than being a business relationship, no.

5 Q. No.

6 So other than the fact that Mr. Chittick made
7 these loans to Mr. Menaged, you have no sense or no
8 impression of the relationship between the two of them?

9 A. No.

10 Q. Did you ever receive a copy of a letter that
11 Mr. Chittick drafted to his investors just prior to his
12 death?

13 A. I possibly could have.

14 Q. Possibly, if you saw it?

15 This has been marked as 413 previously. This is
16 just the investor letter.

17 MS. PATKI: Are you okay not having a copy?

18 MR. CAMPBELL: I'm fine.

19 Q. (BY MS. PATKI) So you will see it's pretty
20 long. It's about seven pages. And there are actually two
21 copies of the letter, which is why it seems especially
22 long.

23 A. Who was the letter sent to?

24 Q. So does this look familiar to you at all?

25 A. Was this prior to his death?

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1 Q. This appears to be a letter that he drafted,
2 that Mr. Chittick drafted to his investors, and so -- just
3 prior to his death.

4 So my question is, have you ever seen this
5 letter before?

6 A. I can't remember. Let me read a bit more.

7 Q. Yeah. Just go ahead.

8 A. Yeah, I think I have seen this letter before.

9 Q. And when have you seen it, do you remember?

10 A. I don't recall that.

11 Q. Now, it's pretty lengthy, but there are just a
12 couple things I want to call your attention to. And I
13 have highlighted on my draft, and I will do my best to
14 sort of direct you to where it is.

15 In his letter, at one point he says: I was able
16 it talk to a few of you to help me make decisions on what
17 I should do. This is ten lines down.

18 A. How many lines down?

19 Q. Ten. All the way at the very end, it starts: I
20 was able to talk to a few of you to help me make decisions
21 on what I should do.

22 And if you read the few sentences before that,
23 he appears to be talking about the 2008 housing crisis.

24 A. Okay.

25 Q. Did Mr. Chittick ever talk to you about helping

RUSS H. DUPPER, 2/20/2019

1 him make decisions with regards to his DenSco business?

2 A. No.

3 Q. Okay. And then if you go all the way down to 11
4 lines up from the bottom, it says: Again I talked to a
5 few of you investors and got a positive response based on
6 his track record -- his being Mr. Menaged -- the down
7 payments, et cetera, the comfort level was there.

8 Do you see that?

9 A. Yes.

10 Q. Did he talk to you about Mr. Menaged?

11 A. No.

12 Q. Okay. And then if you keep reading, he said:
13 He would buy anywhere between one and three properties a
14 week at auction. Now when I have someone buy at auction,
15 funds have to produce the next day in a cashier's check to
16 the trustee. The majority of the time my repeat borrowers
17 are buying through bidding companies that I have
18 relationships with. For efficiency sake, I would normally
19 wire the funds I'm lending to, the bidding company they
20 would get the check and give it to the trustee. Send me
21 receipts. Sometimes I would even wire the full amount and
22 my borrower would bring me their down payment check and
23 bidding fee because they lived here in the East valley
24 versus running across town. I've operated this way ever
25 since I was given the ability to wire online in 2013.

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1 Many of you knew this and I told you this is how I
2 operated.

3 Based on what I read, was that your
4 understanding of how Mr. Chittick operated DenSco?

5 A. I had never had discussions about specifically
6 how he was operating DenSco to this content.

7 Q. So his statement, then, that "I told you this is
8 how I operated," in relationship to you, you had never
9 heard that from Mr. Chittick?

10 A. Not that I recall, no.

11 Q. And then flipping over on to the next page, 11
12 lines down, it just starts in the middle of a sentence: I
13 had started to discuss with many of you telling you that
14 by the end of the year -- and this is 2013 -- I would
15 probably start returning some of my larger investors some
16 of their money.

17 Did he --

18 A. Where are you at exactly?

19 Q. So if you count 11 lines down.

20 A. Oh, I start -- okay. I see, I started to
21 discuss -- and this was at what point?

22 Q. In 2013: I had started to discuss with many of
23 you telling you that by the end of the year I would
24 probably start returning some of my larger investors some
25 of their money.

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1 A. Yeah, I see that.

2 Q. Did he ever talk to you about returning your
3 investment with DenSco?

4 A. Not that I recall.

5 Q. Okay. All right. Going back to --

6 MR. CAMPBELL: You could put that aside right
7 now. She is moving on to something else.

8 Q. (BY MS. PATKI) Going back to Exhibit 214, this
9 was the letter that Mr. Beauchamp sent you on August 3rd,
10 2016.

11 A. Are you talking about this email?

12 Q. Yeah.

13 A. Yeah. Okay.

14 Q. So you testified earlier that you recalled
15 receiving this email, is that correct?

16 A. Yes.

17 Q. Roughly how many communications did you receive
18 from Mr. Beauchamp immediately following Mr. Chittick's
19 death? So this would be in the August 2016 timeframe.

20 A. Man, I don't recall.

21 Q. You don't recall.

22 Okay. Do you remember what those communications
23 may have concerned?

24 A. They were typically content of what happened.

25 Q. At the time that you received these emails, did

RUSS H. DUPPER, 2/20/2019

1 you know who Mr. Beauchamp was?

2 A. No.

3 Q. Did you have any understanding of who
4 Mr. Beauchamp represented?

5 A. When I received the emails?

6 Q. When you received the emails.

7 A. Yes.

8 Q. And who did you believe Mr. Beauchamp
9 represented?

10 A. I believe they were DenSco's counsel.

11 Q. And did you understand when receiving these
12 emails, that DenSco's counsel did not represent the
13 investors?

14 A. Yes.

15 Q. So when you received these emails, you
16 understood that Mr. Beauchamp was not representing you?

17 A. Yes.

18 Q. Okay. When you received these emails, and I
19 understand now that we are going on close to three years
20 here, what was your impression of Mr. Beauchamp?

21 MR. CAMPBELL: Form.

22 THE WITNESS: I didn't have an impression.

23 Q. (BY MS. PATKI) Did you find this email or
24 Mr. Beauchamp's emails generally to be helpful?

25 A. Informative.

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1 Q. Informative. Let me go to what has been marked
2 721.

3 A. Oh, there it is. I see.

4 Q. So you will see that this is the email that you
5 sent back to Mr. Beauchamp from his August 3rd, 2016,
6 email.

7 A. Uh-huh.

8 Q. And the first sentence of the second paragraph
9 is: I appreciate the comprehensive update you sent this
10 morning regarding the current status, and the future
11 action plan you outlined to resolve the issues with
12 DenSco.

13 A. Yes.

14 Q. Did I read that correctly?

15 A. Yes.

16 Q. So is it fair to say that at least on
17 August 4th, 2016, you found Mr. Beauchamp's email to be
18 helpful to you?

19 A. Yes.

20 Q. And since that time, has your impression of how
21 helpful Mr. Beauchamp was changed?

22 A. No.

23 Q. Do you have any complaints about the emails that
24 Mr. Beauchamp sent you?

25 A. No.

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1 Q. Do you have any complaints about what
2 Mr. Beauchamp did with regards to DenSco immediately
3 following Mr. Chittick's death?

4 A. No.

5 Q. Did you ever talk to -- backing up. You said a
6 little bit earlier that you had some familiarity with
7 Mr. Chittick's family, like his siblings, but not a lot.

8 Do you recall that Mr. Chittick had a sister
9 named Shawna Heuer?

10 A. Yeah.

11 Q. Do you recall, immediately after Mr. Chittick's
12 death, did you ever speak with Shawna Heuer?

13 A. I don't know if I spoke with her, but I had some
14 contact with her.

15 Q. Did you exchange emails with her?

16 A. Possibly.

17 Q. Possibly.

18 Do you remember what that contact with Ms. Heuer
19 would have been about?

20 A. I think one of the contacts was that we stepped
21 in and kind of took care of the yard work --

22 Q. Okay.

23 A. -- for a time.

24 Q. Okay. So is it fair to say that your
25 communications with Ms. Heuer were personal in nature?

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1 A. If taking care of the yard work is personal.

2 Q. Well, what I meant is that Ms. Heuer stepped in
3 to help with DenSco-related matters, so were any of your
4 communications with Ms. Heuer about DenSco matters?

5 A. Other than knowing that she was the executor and
6 there may have been some informational things that got
7 sent out, that's the best I can recall that was the
8 content, extent of it.

9 Q. Okay. Do you remember how long you were
10 communicating with Mr. Beauchamp following Mr. Chittick's
11 death?

12 A. No.

13 Q. No.

14 And is it safe to say that you had never heard
15 from Mr. Beauchamp prior to receiving this August 3rd,
16 2016, email?

17 A. Yeah.

18 Q. Okay.

19 A. Yes.

20 Q. Since Mr. Chittick's passing, has the receiver
21 discussed with you -- or I should say you have already
22 alluded to this, but I don't want to answer this question
23 for you -- has the receiver discussed with you what
24 Mr. Beauchamp's role is with regards to this lawsuit?

25 A. Had the receiver discussed that with me?

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1 Q. Uh-huh.

2 A. Restate the question.

3 Q. Has the receiver discussed with you why
4 Mr. Beauchamp is being sued now?

5 A. I can't -- don't know for sure if he did, but I
6 have learned what I said in the beginning, but I can't
7 remember if I learned that from you, John, or where.

8 Q. Okay. How frequently does the receiver
9 communicate with the investors regarding what he is doing
10 on behalf of DenSco?

11 A. Well, initially it was more frequently, and now
12 it's less frequently. So initially, you know, if I had to
13 estimate, probably in the first year, you know, maybe
14 there was a few informational meetings, two or three
15 maybe, and maybe there were, you know, less than a dozen
16 communications that got sent out, probably somewhere in
17 that neighborhood.

18 Q. Okay. And since that time, you said there were
19 a couple of investor meetings, but since that time does he
20 primarily communicate with the investors by email?

21 A. Yes.

22 Q. Okay. This has previously been marked as 616.

23 So you will see here that this is an email from
24 Sara Beretta, who works at Simon Consulting, which is
25 Mr. Davis's firm --

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1 A. Uh-huh.

2 Q. -- to the investors on April 17th, 2017.

3 And in particular what I'm interested in is at
4 the very bottom, it says Investor Meeting: The Receiver
5 strongly believes that it is important to provide the
6 DenSco investors an update on the myriad of ongoing
7 investigations, actions, and recoveries.

8 And then if you skip a sentence: Accordingly,
9 at the bequest of some investors, we believe that the most
10 efficient and productive way to communicate the detailed
11 developments in the DenSco receivership is to conduct a
12 private meeting with a smaller number of DenSco investors
13 who will be tasked with communicating the general
14 developments to the larger group. At this time, we expect
15 the meeting to be conducted on May 3rd, 2017. We
16 understand that the investors are working independently to
17 select the attendance at this meeting.

18 Do you know if such a smaller group of DenSco
19 investors ever was selected by the investors themselves?

20 A. I don't know.

21 Q. So you were not amongst the smaller group of
22 investors?

23 A. No.

24 Q. Do you know if this May 3rd, 2017, meeting ever
25 actually happened?

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1 A. I don't know. I know a couple -- at least one
2 or two meetings happened. I don't know the dates of them.

3 Q. Did you attend those in-person meetings?

4 A. I think I attended one of them.

5 Q. Do you remember what you may have learned at
6 that meeting?

7 A. Yeah. I learned what I stated earlier about how
8 the transactions happened and how -- where we ended up
9 being at and how we were going to try to unravel it, as I
10 previously stated.

11 Q. And is it your understanding, then, that the
12 receiver does not meet with a smaller group of investors
13 periodically?

14 A. Yeah, it's my understanding that they don't.

15 Q. Okay. Does the receiver consult with -- do you
16 know if the receiver consults with investors generally
17 regarding what should be done next in the case?

18 A. I don't think he consults with investors.

19 Q. Okay. And how closely do you track, you
20 personally, track developments in this case?

21 A. When the communications come out, I read them.

22 Q. Okay. So then when you say when the
23 communications come out, are these communications sent to
24 the investors?

25 A. Yes, the ones sent to the investors. And on

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1 occasion the investors have sent some things and I have
2 read those.

3 Q. Okay. And do these communications include the
4 receiver status reports that he sends out?

5 A. Yes.

6 Q. Do you ever go to the DenSco website to check
7 the latest developments in the case?

8 A. I probably have a time or two.

9 Q. But it's not routinely for you?

10 A. No.

11 Q. Other than this present lawsuit, are the
12 investors, through the receiver, attempting to recover
13 damages from any other parties?

14 MR. CAMPBELL: Form.

15 THE WITNESS: I don't know.

16 Q. (BY MS. PATKI) Have you ever talked with other
17 investors about other parties that may potentially be
18 responsible for the losses DenSco experienced?

19 A. No.

20 Q. Going back to Mr. Chittick, it seems that you --
21 is it fair to say that you were fond of him while he was
22 alive?

23 A. I mean, I appreciated him as being a good
24 neighbor.

25 Q. Uh-huh. Because it seems to me or my general

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1 impression, if you go back to 721, in your email to
2 Mr. Beauchamp, you say: I am both an investor in DenSco
3 and a neighbor, living across the street from Denny, for
4 the last eight years. My wife and I have known Denny and
5 his family since we moved into the neighborhood. He and
6 his family have not only been our neighbors but also our
7 friends. We are saddened by Denny's unfortunate and
8 untimely passing and want to help his family in any way we
9 can.

10 when I read that, at least to me that seems that
11 you were quite fond of Denny.

12 Is that not accurate?

13 MR. CAMPBELL: Form.

14 THE WITNESS: I mean, I'm -- I was willing to
15 help Denny, like I am most people who find themselves in a
16 very difficult situation.

17 Q. (BY MS. PATKI) All right. Has your impression
18 of Mr. Chittick changed since his death?

19 MR. CAMPBELL: Form.

20 THE WITNESS: No.

21 Q. (BY MS. PATKI) And why is that?

22 MR. CAMPBELL: Form.

23 THE WITNESS: I mean, I thought that he did the
24 best he could with what he understood at the time.

25 Q. (BY MS. PATKI) Do you think that Mr. Chittick

RUSS H. DUPPER, 2/20/2019

1 was dishonest with you?

2 MR. CAMPBELL: Form.

3 THE WITNESS: How do you define "dishonest"?

4 Q. (BY MS. PATKI) Let me rephrase that.

5 Do you think Mr. Chittick was, with regards to
6 DenSco, I'm not talking personally --

7 A. Right.

8 Q. -- do you think that when you spoke to
9 Mr. Chittick about DenSco and DenSco's operations, do you
10 think that he was honest with you in how he ran his
11 business?

12 MR. CAMPBELL: Form.

13 THE WITNESS: I would say there were some things
14 that he was doing that I didn't exactly understand he was
15 doing.

16 Q. (BY MS. PATKI) Elaborate on that.

17 A. Well, where you would -- where this letter here
18 he said that he was oftentimes forwarding money and then
19 later recording the deed, which does create a potential
20 gap for what happened.

21 MS. PATKI: That's all I have. Thank you.

22

23 EXAMINATION

24

25 Q. (BY MR. CAMPBELL) I want to go back. Let me

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1 just -- the receiver has a website where things are
2 posted.

3 Fair to say that you haven't gone on to the
4 website to read about this case against Clark Hill?

5 A. Say that again.

6 Q. Have you gone on to the website to read about
7 the allegations against Clark Hill?

8 A. No.

9 Q. Your first investment took place on
10 September 13th of 2013.

11 If you had known that Mr. Menaged was engaged in
12 a scheme where he would take money from DenSco to buy a
13 house and take money from another hard-money lender to buy
14 a house, that DenSco's money went off we don't know where,
15 but two deeds of trust were put on the property, would you
16 have invested in his business?

17 MS. PATKI: Objection; form.

18 THE WITNESS: No.

19 Q. (BY MR. CAMPBELL) If you had learned that at a
20 later time, like in January -- let me -- these are
21 two-year notes.

22 If you had learned before your note came due on
23 September 13th, 2015, that Mr. Menaged had committed this
24 scheme, would you have rolled over your note?

25 A. No.

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1 MS. PATKI: Objection; form.

2 Q. (BY MR. CAMPBELL) Now, you never met
3 Mr. Beauchamp at all?

4 A. Huh-uh. No.

5 Q. So I think you were shown a letter Mr. Beauchamp
6 sent out, which has been marked Exhibit No. 214 to the
7 investors, and then you were shown Exhibit No. 721 where
8 he wrote -- where you wrote Mr. Beauchamp back by email.

9 A. Uh-huh.

10 Q. Now, in the letter that Mr. Beauchamp sent out
11 on, which is Exhibit No. 214, did he say anything about
12 his involvement or Clark Hill's involvement with respect
13 to the first Menaged fraud involving double liening your
14 properties?

15 A. Can you restate the question?

16 Q. Yes.

17 A. Let me find the exhibits. 214 and what?

18 Q. It's 214.

19 A. Right. So 214.

20 Q. Right. So why don't you just take a moment and
21 take a quick look at 214 and refresh your recollection.
22 So this is an investor letter, we call it.

23 Did Mr. Beauchamp ever tell you that he was
24 involved in negotiations with Mr. Menaged with respect to
25 the first fraud regarding double liening of property?

RUSS H. DUPPER, 2/20/2019

1 MS. PATKI: Objection; form.

2 THE WITNESS: No.

3 Q. (BY MR. CAMPBELL) Did Mr. Beauchamp ever
4 disclose to you as an investor Clark Hill's involvement
5 with DenSco?

6 A. No.

7 Q. Did Mr. Beauchamp ever express to you any
8 concern he may have had that Clark Hill could be the
9 target of a lawsuit for what it had done?

10 MS. PATKI: Objection; form.

11 THE WITNESS: Not that I recall.

12 Q. (BY MR. CAMPBELL) When you wrote back to
13 Mr. Beauchamp, you told him, this is Exhibit 721: I'm in
14 agreement with your course of action and your emphasis on
15 making every effort to keep DenSco out of a protracted
16 bankruptcy or a contentious Receivership proceeding.

17 Do you see that?

18 A. Uh-huh.

19 Q. That's a yes?

20 A. Yes.

21 Q. Would you like to have known that Mr. Beauchamp
22 was concerned about being sued by a receiver when he gave
23 you the advice not to seek a receivership?

24 MS. PATKI: Objection; form.

25 THE WITNESS: Yeah.

RUSS H. DUPPER, 2/20/2019

1 Q. (BY MR. CAMPBELL) Did you do any investigation
2 as to whether Mr. Beauchamp had conflicts of interest when
3 he wrote this letter --

4 A. No.

5 Q. -- to the investors?

6 A. No.

7 Q. You strike me as a very truthful person. You
8 assume the best of everyone?

9 A. For the most part.

10 MR. CAMPBELL: All right. I don't have any
11 further questions.

12 You have the right to read and sign. So if you
13 go through it and you see there has been any errors in
14 your answer or something like that, that's a right that
15 only you have.

16 THE WITNESS: Okay.

17 MR. CAMPBELL: If you want to read and sign it,
18 we'll make arrangements for the court reporter to get you
19 the transcript, and then she will have a little notary
20 sheet, but you don't have to read and sign it, but you
21 have the right to do that.

22 Would you like to read and sign?

23 THE WITNESS: I don't know what's best for my
24 own in that regard. That would be something I would want
25 to seek counsel on.

RUSS H. DUPPER, 2/20/2019

1 MR. CAMPBELL: Okay. Yeah. We don't represent
2 you, so I can't advise you on it.

3 THE WITNESS: Right.

4 MR. DeWULF: Kelly is good and she typically
5 catches what everyone says, but you should feel
6 comfortable. We are happy to coordinate with you to make
7 sure you get a copy of what she has typed down today.

8 THE WITNESS: Okay.

9 MR. DeWULF: And then you can look it over and
10 sign off on it.

11 (3:01 p.m.)

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RUSSELL H. DUPPER

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RUSS H. DUPPER, 2/20/2019

1 BE IT KNOWN that the foregoing proceeding was
 2 taken before me; that the witness before testifying was
 3 duly sworn by me to testify to the whole truth; that the
 4 questions propounded to the witness and the answers of the
 5 witness thereto were taken down by me in shorthand and
 thereafter reduced to typewriting under my direction; that
 the foregoing is a true and correct transcript of all
 proceedings had upon the taking of said deposition, all
 done to the best of my skill and ability.

6 I CERTIFY that I am in no way related to any of
 7 the parties hereto nor am I in any way interested in the
 outcome hereof.

8
 9 [X] Review and signature was requested.
 [] Review and signature was waived.
 [] Review and signature was not requested.

10
 11 I CERTIFY that I have complied with the ethical
 12 obligations in ACJA Sections 7-206(F)(3) and
 7-206-(J)(1)(g)(1) and (2).

13
 14 Kelly Sue Oglesby 3/11/2019
 Kelly Sue Oglesby Date
 15 Arizona Certified Reporter No. 50178

16
 17 I CERTIFY that JD Reporting, Inc. has complied
 with the ethical obligations in ACJA Sections
 18 7-206(J)(1)(g)(1) and (6).

19
 20 JD REPORTING, INC. 3/11/2019
 JD REPORTING, INC. Date
 21 Arizona Registered Reporting Firm R1012