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10 **SUPERIOR COURT OF ARIZONA**
11 **MARICOPA COUNTY**

12 ARIZONA CORPORATION
13 COMMISSION,

14 Plaintiff,

15 vs.

16 DENSCO INVESTMENT
17 CORPORATION, an Arizona
18 corporation,

19 Defendant.

No. CV2016-014142

20 **MOTION TO EXCEED PAGE LIMITS**
21 **FOR REPLY IN SUPPORT OF PETITION**
22 **NO.11**

(Assigned to the Honorable
Lori Bustamante)

(Peter S. Davis – Appointed Receiver)

23 The Estate of Denny Chittick (the “Estate”) moves to file an oversized *Reply In*
24 *Support of Petition No. 11* (the “Reply”). The Reply totals 13 pages, exclusive of the
25 caption and the mailing certificate.

26 According to Rule 7.1(a)(3), Ariz. R. Civ. P., a reply in support of a motion may
not exceed 11 pages unless otherwise permitted by the Court. Although it is unclear
whether this rule applies to petitions filed in connection with a receivership, the Estate
nevertheless treats the Rule as applicable and requests leave to file a Reply that exceeds
11 pages.

Petition No. 11 and related Petition No. 13 involve complex issues of federal

1 pension plan law. The Receiver's response to Petition No. 11 makes many specious
2 arguments, including that the assets of the DenSco Investment Corporation Defined
3 Benefit Pension Plan ("DB Plan") belong to the Receivership, that the Receiver should
4 control who is appointed as Plan Administrator and Trustee for the DB Plan, and that the
5 Receiver has meritorious claims against the DB Plan's assets. A slightly oversized Reply
6 is necessary to untangle the Receiver's arguments and thoroughly debunk them, as well
7 as explain why federal and state law do not permit the Receiver to seize the DB Plan's
8 assets.

9 The Estate thus moves for leave to exceed the page limits in its Reply. A form of
10 Order is submitted herewith.

11 RESPECTFULLY SUBMITTED this 19th day of January, 2017.

12 GAMMAGE & BURNHAM, P.L.C

13 By: /s/ James F. Polese (#003451)

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19 *Deceased*

20 ELECTRONICALLY FILED with
21 the Court and copies mailed this
22 19th day of January, 2017, to:

23 Honorable Lori Bustamante
24 Maricopa County Superior Court
25 101 West Jefferson, ECB-811
26 Phoenix Arizona 85003-2243

And to all persons listed on the
attached Master Service List

/s/ P. Meloserdoff

MASTER SERVICE LIST

Arizona Corporation Commission vs. DenSco Investment Corporation

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

CV2016-014142

(Revised January 10, 2017)

Honorable Lori Bustamante
Maricopa County Superior Court
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Phoenix, Arizona 85003-2243

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