

REC'D OSBORN MALEDON PA.

JUL 30 2019

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7 *Attorneys for Defendants*

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

11 Peter S. Davis, as Receiver of DenSco  
Investment Corporation, an Arizona  
12 corporation,

13 Plaintiff,

14 v.

15 Clark Hill PLC, a Michigan limited liability  
company; David G. Beauchamp and Jane  
16 Doe Beauchamp, husband and wife,

17 Defendants.

No. CV2017-013832

**CERTIFICATION OF GOOD FAITH  
CONSULTATION**

(Assigned to the Honorable Daniel Martin)

18 Undersigned counsel John E. DeWulf states as follows:

19 1. I am a partner at Coppersmith Brockelman PLC ("CB"), counsel of record for  
20 defendants Clark Hill PLC, David G. Beauchamp and Jane Doe Beauchamp (collectively,  
21 "Defendants"). I am one of the lawyers principally responsible for representing the Defendants  
22 in this litigation. The statements in this Certification are based on my personal knowledge. I  
23 am over 18 years of age and competent to make this Certification.

24 2. On June 28, 2019, I sent a letter to Yomtov Scott Menaged that requested his  
25 voluntary attendance at a deposition in this case. That letter specified why the Defendants  
26 believed Mr. Menaged was a relevant witness, requested that Mr. Menaged provide dates on

1 which he was available for a deposition, and gave Mr. Menaged three weeks to respond. That  
2 letter is attached hereto as Exhibit A.

3 3. Mr. Menaged failed to respond to the letter, effectively denying the request to  
4 appear voluntarily.

5 4. Because Mr. Menaged is incarcerated, and the inherent difficulties of  
6 communicating with incarcerated persons directly, we do not believe it would be worthwhile  
7 to engage in further communications with Mr. Menaged to try and procure his cooperation.

8 5. Counsel for the Defendants accordingly has attempted in good faith to resolve  
9 the issues raised in the accompanying motion, none of which were successful.

10 DATED this 26<sup>th</sup> day of July, 2019.

11  
12 By: /s/ John E. DeWulf  
13 John E. DeWulf

14  
15 **ORIGINAL E-FILED** and a **COPY**  
16 mailed this 26<sup>th</sup> day of July, 2019 to:

17 Colin F. Campbell, Esq.  
18 Geoffrey M. T. Sturr, Esq.  
19 Joseph N. Roth, Esq.  
20 Joshua M. Whitaker, Esq.  
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/s/ Tina Johannesen

# EXHIBIT A

**COPPERSMITH  
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LAWYERS

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June 28, 2019

Via U.S. Mail

Yomtov Scott Menaged  
Register No. 74322-408  
FCI La Tuna  
Federal Correctional Institution  
P.O. Box 3000  
Anthony, NM 88021

Dear Mr. Menaged;

My name is John DeWulf and I am an attorney in Phoenix, Arizona at the law firm Coppersmith Brockelman, PLC. My firm represents Clark Hill PLC ("Clark Hill") and one of its attorneys, David Beauchamp, in the lawsuit *Peter S. Davis v. Clark Hill PLC et al.* (CV2017-013832). As you know, the Plaintiff in the case is the court-appointed receiver for DenSco Investment Corporation ("DenSco"), with whom you signed a settlement and cooperation agreement on July 5, 2017. Mr. Davis is charged with recovering monies on behalf of DenSco's investors, and as part of efforts, he has sued Clark Hill and Mr. Beauchamp, alleging that they committed legal malpractice in representing DenSco and aided and abetted Denny Chittick's breach of fiduciary duties owed to DenSco.

Your involvement with DenSco, and the fraud you perpetrated on DenSco, makes you a relevant witness in lawsuit against my clients. Consequently, we are reaching out to ask for your consent in taking your deposition in this matter. Without your consent, we will be forced to seek a court order compelling your attendance at a deposition. Given the summer holidays and the schedules of the attorneys involved, we would likely schedule your deposition for early September 2019. Please let us know if you will voluntarily appear, and if so, whether you have any preference on dates for such a deposition. Your deposition will likely be scheduled to run for two days.

Time is of the essence, so your prompt response is appreciated. If we do not obtain your consent by July 19, 2019, we will request a Court order compelling your attendance at a deposition on dates of our choosing.

Yomtov Scott Menaged  
Register No. 74322-408  
June 28, 2019  
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Thank you for your attention to this matter. You may reply by letter, phone or email to the contact information listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. DeWaff", written over a printed name.

John E. DeWaff

JED/vlc

cc: Colin F. Campbell, Esq.  
Geoffrey M. T. Sturr, Esq.  
Ryan W. Anderson, Esq.