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8
9 **SUPERIOR COURT OF ARIZONA**
10 **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

**DEFENDANT CLARK HILL'S
RESPONSES TO PLAINTIFF'S
THIRD SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

18 Defendant Clark Hill PLC responds as follows to Plaintiff's Third Set of Requests for
19 Production of Documents dated August 1, 2018.

20 **GENERAL OBJECTIONS**

21 Each of Clark Hill's responses, in addition to any specifically stated objections, are
22 subject to and incorporate the following General Objections. The assertion of these or similar
23 objections, additional objections, or a partial response to an individual Request does not waive
24 any of Clark Hill's General Objections.

- 25 1. Clark Hill objects to this Request to the extent the Plaintiff seeks information
26 that is protected from disclosure by the attorney-client privilege, the work-

1 product doctrine, or any other applicable privilege or protection. To the extent
2 Clark Hill produces, provides or discloses exempt or protected information or
3 documents, such production or disclosure shall not be construed as a waiver by
4 Clark Hill or his attorneys of such privilege or protection. *See* Ariz. R. Civ. P.
5 26(b)(6)(B).

- 6 2. Clark Hill objects to this Request to the extent that it seeks to impose obligations
7 broader than or inconsistent with the Arizona Rules of Civil Procedure.

8 **REQUEST NO. 6:**

9 For the last five years, produce for each fiscal year, Clark Hill's final year-end financial
10 statement, balance sheets, statements of profitability, and tax returns, including K-1 forms.

11 **RESPONSE:**

12 Clark Hill objects to this Request as overly broad, unduly burdensome, and not
13 proportionate to the needs of this case. Under Arizona law, "*prima facie* proof of a triable
14 issue on liability for punitive damages is necessary to discover information relating to the
15 defendant's financial status." *Larriva v. Montiel*, 143 Ariz. 23, 24-25, 691 P.2d 735, 736-37
16 (App. 1984) (quoting *Leidholt v. District Court*, 619 P.2d 768, 770-71 (Colo. 1980)); *Arpaio*
17 *v. Figueroa*, 229 Ariz. 444, 448, 276 P.3d 513, 517 (App. 2012). Plaintiff has not established,
18 and cannot establish, *prima facie* proof supporting a punitive damages award in this matter.
19 Additionally, the Request is overbroad with regard to both the scope of the confidential
20 financial documents requested and the five-year time period, neither of which is necessary to
21 the calculation of punitive damages.

1 DATED this 31st day of August, 2018.

2 **COPPERSMITH-BROCKELMAN PLC**

3
4 By: 

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8 **ORIGINAL** mailed and emailed
this 31st day of August, 2018 to:

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