

1 **GUTTILLA MURPHY ANDERSON**

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8 Attorneys for the Receiver

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

10 IN AND FOR MARICOPA COUNTY

11 ARIZONA CORPORATION)
12 COMMISSION,)

13 Plaintiff,)

14 v.)

15 DENSCO INVESTMENT)
16 CORPORATION, an Arizona)
17 corporation,)

18 Defendant.)

Cause No. CV2016-014142

PETITION NO. 30

PETITION FOR ORDER APPROVING
FEES AND COSTS INCURRED BY THE
RECEIVER, GUTTILLA MURPHY
ANDERSON, P.C., FRAZER RYAN
GOLDBERG & ARNOLD, LLP AND
SNELL & WILMER, LLP FROM JUNE 1,
2017 THROUGH JUNE 30, 2017

(Assigned to Judge Teresa Sanders)

19 _____
20 Peter S. Davis, as the court appointed Receiver, respectfully petitions the Court as
21 follows:

1. On August 18, 2016, this Court entered its *Order Appointing Receiver*, which appointed Peter S. Davis as Receiver of DenSco Investment Corporation (“Receivership Order”).
2. Pursuant to *Order Re: Petition No. 1* the Court approved the Receiver’s compensation at the rate of \$250.00 per hour together with all reasonable costs and expenses

1 incurred relating to these services as Receiver. These services are billed by and paid to the
2 Receiver's firm, Simon Consulting, LLC.

3 3. Pursuant to this Court's *Order Re: Petition No. 1*, the Receiver has engaged the
4 services of the law firm of Guttilla Murphy Anderson, P.C., of Phoenix, Arizona, and the
5 Receiver has agreed to pay the law firm compensation at agreed hourly rates for the services
6 of the firm together with all reasonable costs and expenses incurred on behalf of the Receiver.

7 4. Pursuant to this Court's *Order Re: Petition No. 10*, the Receiver has engaged
8 the services of the law firm of Frazer Ryan Goldberg & Arnold, LLP of Phoenix, Arizona and
9 the Receiver has agreed to pay the law firm compensation at agreed hourly rates for the
10 service of the firm together with all reasonable costs and expenses incurred on behalf of the
11 Receiver.

12 5. Pursuant to this Court's *Order Re Petition No. 13*, the Receiver has engaged the
13 services of Special Counsel Marvin "Bucky" Swift of Snell & Wilmer, L.L.P., of Phoenix,
14 Arizona and the Receiver has agreed to pay the law firm compensation at agreed hourly rates
15 for the service of the firm together with all reasonable costs and expenses incurred on behalf
16 of the Receiver.

17 6. Pursuant to the Court's *Order Re: Petition No. 2* the Receiver is authorized to
18 file this fee petition without including as exhibits the itemization of services rendered to, and
19 costs incurred or expended on behalf of, the Receivership, provided that the fee petition
20 includes a statement that anyone desiring additional information concerning the services and
21 costs to be paid under the fee petition may obtain redacted information from the Receiver by

1 delivering to the Receiver and the Receiver's counsel, Guttilla Murphy Anderson, P.C., a
2 written request specifying the additional information requested at least three (3) days prior to
3 the date set for any hearing on the fee petition. The Court's *Order Re: Petition No. 2* further
4 provides that upon request of the Court, the Receiver shall make available for in camera
5 review by the Court the itemized statements and supporting documentation for the services
6 and costs to be paid under the fee petition.

7 7. The Receiver has submitted an itemized statement for services rendered to this
8 Receivership by the Receiver and his firm, Simon Consulting, LLC, and for reimbursable
9 costs incurred or paid during the period June 1, 2017 through June 30, 2017. The total
10 amount requested for payment by the Receiver is \$61,370.63. As set forth in the itemized
11 statements of the Receiver, of the \$61,370.63 that is sought for approval, \$16,174.63
12 represents out of pocket expenses incurred by the Receiver. The most significant expenses
13 are the one-time expenses of Forensic Consulting Solutions, LLC. These expenses were
14 incurred in the recovery, retention and review of substantial electronic data the Receiver
15 obtained from Scott Menaged. The Receiver believes that the professional fees and expenses
16 of \$61,370.63 are reasonable and should be paid from the Receivership Assets.

17 8. The law firm of Guttilla Murphy Anderson, P.C., has submitted an itemized
18 statement for services rendered to this Receivership and for reimbursable costs incurred or
19 paid during the period June 1, 2017 through June 30, 2017. The total amount requested for
20 payment by the law firm of Guttilla Murphy Anderson, P.C. is \$22,993.64. The Receiver
21

1 believes that this amount is reasonable and should be paid from the Receivership Assets and
2 has therefore approved this statement for payment.

3 9. The law firm of Frazer Ryan Goldberg & Arnold, LLP, has submitted an
4 itemized statement for services rendered to this Receivership incurred or paid during the
5 period June 1, 2017 through June 30, 2017. The total amount requested for payment by the
6 law firm of Frazer Ryan Goldberg & Arnold, LLP is \$19,619.50. The Receiver believes that
7 this amount is reasonable and should be paid from the Receivership Assets and has therefore
8 approved this statement for payment.

9 10. The law firm of Snell & Wilmer, L.L.P., has submitted an itemized statement
10 for services rendered to this Receivership incurred or paid during the period June 1, 2017
11 through June 30, 2017 .The total amount requested for payment by the law firm of Snell &
12 Wilmer, L.L.P. is \$13,356.00. The Receiver believes that this amount is reasonable and
13 should be paid from the Receivership Assets and has therefore approved this statement for
14 payment.

15 WHEREFORE, the Receiver respectfully requests that the Court enter an order
16 authorizing the Receiver to pay from Receivership Assets:

17 1. The amount of \$61,370.63 to Simon Consulting, LLC, for services rendered
18 and costs incurred or paid during the period June 1, 2017 through June 30, 2017;

19 2. The amount of \$22,993.64 to Guttilla Murphy Anderson, P.C., for services
20 rendered and costs incurred or paid during the period from June 1, 2017 through June 30,
21 2017;

