

1 **GUTTILLA MURPHY ANDERSON**

Ryan W. Anderson (Ariz. No. 020974)

2 5415 E. High St., Suite 200

Phoenix, Arizona 85054

3 Email: randerson@gamlaw.com

Phone: (480) 304-8300

4 Fax: (480) 304-8301

5 Attorneys for the Receiver

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR MARICOPA COUNTY

8 ARIZONA CORPORATION
COMMISSION,

9 Plaintiff,

v.

10 DENSCO INVESTMENT
CORPORATION, an Arizona corporation,

11 Defendant.

Cause No. CV2016-014142

**AMENDED NOTICE OF SUBPOENA
DUCES TECUM**

(Assigned to the Honorable Lori Horn
Bustamante)

13
14 **NOTICE IS HEREBY GIVEN** that, pursuant to Rules 26, 28, and 30, Ariz.R.Civ.P.,
15 Veronica Castro Gutierrez has been subpoenaed to testify at the taking of a deposition and to
16 produce the documents described in the attached subpoena at the time and place stated below, before
an officer authorized by law to administer oaths:

17 **DATE AND TIME OF DOCUMENT
PRODUCTION:**

December 19, 2016
9:00 AM

18 **PERSON TO BE EXAMINED:**

VERONICA CASTRO GUTIERREZ

19 **DATE AND TIME OF DEPOSITION:**

December 23, 2016
10:00 AM

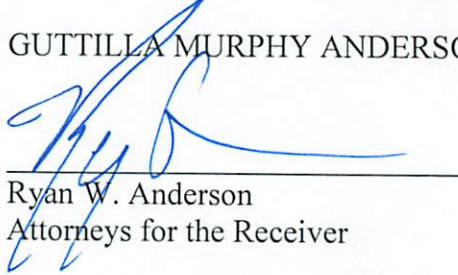
**PLACE OF PRODUCTION AND
DEPOSITION:**

Guttilla Murphy Anderson
5415 E. High Street, Suite 200
Phoenix, AZ 85054

NOTICE IS HEREBY GIVEN that the attached subpoena that was served upon Veronica Castro Gutierrez states the time of deposition at 10:00 AM on 12/15/16; however, at the request of Veronica Castro Gutierrez the Receiver has agreed to change the time of the deposition to 10:00 AM on 12/23/16.

Dated this 12th day of December, 2016.

GUTTILLA MURPHY ANDERSON



Ryan W. Anderson
Attorneys for the Receiver

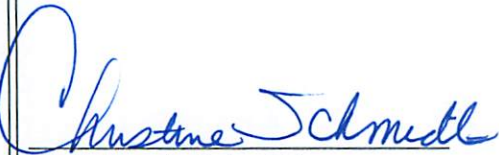
COPY of the foregoing mailed this
12th day of November, 2016 to:

Wendy L. Coy
Arizona Corporation Commission
1300 West Washington
Phoenix, AZ 85007-2929
Attorney for Plaintiffs

Peter S. Davis, Receiver
Densco Receivership
Simon Consulting, LLC
The Great American Tower
3200 North Central, Suite 2460
Phoenix, Arizona 85012

James F. Polese
Christopher L. Hering
Gammage & Burnham, P.L.C.
Two North Central Avenue, 15th Floor
Phoenix, Arizona 85004
Attorney for the Estate of Denny Chittick and Densco Investment Corporation

1 Steven D. Nemecek
Steve Brown & Associates
2 1414 East Indian School
Suite 200
3 Phoenix, Arizona 85014
Attorney for Chapter 7 Trustee Jill H. Ford

4
5 

6 Christine A. Schmidt

7 2359-003(267104)

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ORIGINAL

Attorneys for the Receiver

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR MARICOPA COUNTY

ARIZONA CORPORATION
COMMISSION,

Plaintiff,

v.

DENSCO INVESTMENT
CORPORATION, an Arizona corporation,
Defendant.

Cause No. CV2016-014142

SUBPOENA DUCES TECUM

THE STATE OF ARIZONA TO: Veronica Castro Gutierrez

YOU ARE ORDERED TO:

1. Appear at the place, date and time specified below to testify at the taking of a deposition in the above case.
2. Produce and permit inspection, copying, testing or sampling of the designated documents, electronically store information or tangible things, the items specified in the Attachment to this Subpoena, at the time and place specified below:

1 **DATE AND TIME OF DOCUMENT** December 8, 2016
PRODUCTION: 10:00 AM

2
3 **PLACE OF DOCUMENT** GUTTILLA MURPHY ANDERSON
PRODUCTION: 5415 E. HIGH STREET, SUITE 200
PHOENIX, AZ 85054

4
5 **DATE AND TIME OF DEPOSITION:** December 15, 2016
10:00 AM

6
7 **PLACE OF DEPOSITION:** GUTTILLA MURPHY ANDERSON
5415 E. HIGH STREET
SUITE 200
8 PHOENIX, AZ 85054

9 **METHOD OF RECORDING:** Certified Court Reporter

10 **YOU HAVE BEEN** subpoenaed by Peter S. Davis, whose attorney's name, address and
telephone number is as follows:

11 Ryan W. Anderson
12 Guttilla Murphy Anderson
5415 E. High St., Suite 200
Phoenix, Arizona 85054
13 (480) 304-8300.

14 **YOUR DUTIES IN RESPONDING TO THIS SUBPOENA**

15 You have the duty to produce the documents requested as they are kept by you in the usual
course of business, or you may organize the documents and label them to correspond with the
categories set forth in this subpoena. See Rule 45 (d) (1) of the Arizona Rules of Civil Procedure.

16 If this subpoena asks you to produce and permit inspection and copying of designated books,
17 papers, documents, tangible things, or the inspection of premises, you need not appear to produce the
items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule
45(c)(2)(A) of the Arizona Rules of Civil Procedure.

18 **YOUR RIGHT TO OBJECT**

19 The party or attorney serving the subpoena has a duty to take reasonable steps to avoid
20 imposing an undue burden or expense on you. The Superior Court enforces this duty and may
impose sanctions upon the party or attorney serving the subpoena if this duty is breached. See Rule
21 45 (c)(1) of the Arizona Rules of Civil Procedure.

1 You may object to this subpoena if you feel that you should not be required to respond to the
2 request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon
3 you, or before the time specified for compliance, by providing a written objection to the party or
4 attorney serving the subpoena, See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

5 If you object because you claim the information requested is privileged or subject to
6 protection as trial preparation material, you must express the objection clearly, and support each
7 objection with a description of the nature of the document, communication or item not produced so
8 that the demanding party can contest the claim. See Rule 45(d)(2) of the Arizona Rules of Civil
9 Procedure.

10 If you object to the subpoena in writing you do not need to comply with the subpoena until a
11 court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order
12 from the court to compel you to provide the documents or inspection requested, after providing notice
13 to you. See Rule 45 (c)(2)(B) of the Arizona Rules of Civil Procedure.

14 If you are not a party to the litigation, or an officer of a party, the court will issue an order to
15 protect you from any significant expense resulting from the inspection and copying commanded. See
16 Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

17 You may also file a motion in the superior court of the county in which the case is pending to
18 quash or modify the subpoena if the subpoena:

19 (i) does not provide a reasonable time for compliance;

20 (ii) requires a non-party or officer of a party to travel to a county different from the county
21 where the person resides or does business in person; or to travel to a county different from where the
subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to
travel to a place different from any other convenient place fixed by an order of a court, except that a
subpoena for you to appear and testify at trial can command you to travel from any place within the
state;

(iii) requires the disclosure of privileged or protected information and no waiver or
exception applies; or

(iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil
Procedure.

If this subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or
commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing
specific events or occurrences in dispute and resulting from the expert's study made not at the request
of any party; or

1 (iii) requires a person who is not a party or an officer of a party to incur substantial travel
2 expense;

3 The court may either quash or modify the subpoena, or the court may order you to appear or
4 produce documents only upon specified conditions, if the party who served the subpoena shows a
5 substantial need for the testimony or material that cannot be otherwise met without undue hardship
6 and assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of
7 Civil Procedure.

8 **RULE 2.5(c) NOTICE** (1) Requests for reasonable accommodation for persons with
9 disabilities must be made to the division assigned to the case by the party needing accommodation or
10 his/her counsel at least three (3) judicial days in advance of a scheduled proceeding. (2) Requests for
11 an interpreter for persons with limited English proficiency must be made to the division assigned to
12 the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10)
13 judicial days in advance of a scheduled court proceeding.

14 **YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS**
15 **SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED CONTEMPT OF**
16 **THIS COURT. YOUR FAILURE TO APPEAR AS DIRECTED HEREIN MAY**
17 **RESULT IN THE ISSUANCE OF A CIVIL ARREST WARRANT DIRECTING A**
18 **PEACE OFFICER TO ARREST YOU AND BRING YOU BEFORE THIS COURT.**

19 **SIGNED AND SEALED THIS DATE:** NOV 18 2016



20 **MICHAEL K. JEANES, CLERK**
21 **CLERK OF THE COURT**

By:

C. Gobble
Deputy Clerk

C. Gobble
Deputy Clerk

2359-003(266138)

ATTACHMENT FOR SUBPOENA TO:
VERONICA CASTRO GUTIERREZ

A. DEFINITIONS AND INSTRUCTIONS:

1. As used in this request, the term "you" or "your" means **VERONICA CASTRO GUTIERREZ** and all of her employees, successors, assigns, affiliates, and agents.

2. As used in this request, the term "document" means all data and materials in your possession, custody or control or subject to your custody or control, whether drafts or unfinished versions, originals or nonconforming copies thereof, however created, produced or stored (manually, mechanically, electronically or otherwise), and by whomever prepared, produced, sent, dated or received, including, but not limited to, books, papers, files, notes, minutes, summaries, records, analyses, correspondence, e-mails, voice-mails, transcripts, opening documents, accountings, memoranda, work papers, ledger sheets, confirmations, order tickets, floor tickets, invoices, account statements, reports, wires, telegrams, telexes, telephone logs, notes or records of conversations or meetings, contracts, agreements, calendars, date books, work sheets, invoices, bills, records of payment, magnetic tape, tape recordings, disks, diskettes, disk packs, and other electronic media, microfilm, microfiche, storage devices, appointment books, diaries, notices and message slips.

3. As used herein, the term "including" means including but not limited to.

4. As used herein, the term "relating to" means summarizing, describing, concerning, reflecting or referring to.

5. As used herein, the term "communication" means the conveyance of information between or among persons by any means.

6. Except as otherwise stated, the period of time covered by each specification herein is to the date of your response.

7. In producing the requested documents, you are to furnish all documents which are in the possession, custody, or control of you, your accountants, officers, agents, employees, representatives, investigators, consultants, or attorneys, and not merely documents in your own possession.

8. If any requested documents can not be produced in full, produce the documents to the extent possible, specify in response the reason for the inability to produce the remainder and stating whatever information, knowledge, or belief you have concerning the unproduced portion.

9. In the event that any documents requested were at one time in existence, but no longer exist, than so state, specifying for each document:

- a. The type of document;
- b. The subject matter contained therein;
- c. The date upon which the document ceased to exist;

- e. The manner in which the document ceased to exist;
- f. The identity of all persons having knowledge of the circumstances under which the document ceased to exist;
- g. The custodian of the document on the date and time it ceased to exist; and
- h. The identity of all persons having knowledge or who had knowledge of the contents of the document that ceased to exist.

10. In the event you seek to withhold any documents on the basis that they are properly entitled to some limitation of discovery, you are instructed to use the following procedure:

- a. You shall, during the period of production of documents, provide a numerical list of the documents for which the limitation of discovery is claimed; and
- b. You shall indicate for each document the following information:
 - (1) The author, writer, sender, or initiator of the document, if any;
 - (2) The date of such documents, if any, or an estimate thereof and so indicate as an estimate if no date appears on the documents;
 - (3) The general subject matter of the document so as to sufficiently identify the document; and
 - (4) The basis of your brief that the document is properly entitled to a limitation of discovery.

11. Production of documents shall be in full, without abbreviation, redaction, or expurgation.

B. DOCUMENTS TO BE PRODUCED:

All documents in your possession or control relating directly or indirectly to and, including without limitation the following:

- (a) A copy of all communications between you and Denny J. Chittick [including all e-mails to e-mail account dcmoney@yahoo.com] between January 1, 2012 and August 1, 2016;
- (b) All pictures of receipts from foreclosure Trustee's for the purported purchase of real properties on behalf of Arizona Home Foreclosure, LLC and Easy Lending, LLC sent to Denny J. Chittick;
- (c) A copy of all communications between you and Yomtov Scott Menaged regarding DenSco or Denny J. Chittick between January 1, 2012 and present;
- (d) A copy of your Notary Book with all entries between January 1, 2013 and present;
- (e) A copy of all communications between you and Luigi Amoroso between January 1, 2012 and present;
- (f) A copy of all documents related to loans between DenSco Investment Corporation and Arizona Home Foreclosure, LLC and Easy Lending, LLC.