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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN THE COUNTY OF MARICOPA**

PETER S. DAVIS, as Receiver of DENSCO  
INVESTMENT CORPORATION, an  
Arizona corporation,

Plaintiff,

vs.

U.S. BANK, NA, a national banking  
organization; HILDA H. CHAVEZ and  
JOHN DOE CHAVEZ, a married couple; JP  
MORGAN CHASE BANK, N.A., a national  
banking organization; SAMANTHA  
NELSON f/k/a SAMANTHA  
KUMBALECK and KRISTOFER NELSON,  
a married couple; and VIKRAM DADLANI  
and JANE DOE DADLANI, a married  
couple.

Defendants.

Case No.: cv2019-011499

**NOTICE OF CLARIFICATION  
TO**

**(1) PLAINTIFF'S RESPONSE TO  
DEFENDANTS' MOTIONS  
TO DISMISS;**

**(2) MOTION FOR LEAVE TO  
AMEND;**

**AND**

**(3) RESPONSE TO  
DEFENDANTS' NON-  
OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
LEAVE TO FILE FIRST  
AMENDED COMPLAINT**

(Assigned to the Hon. Daniel Martin)

1 Peter S. Davis, as Receiver of DenSco Investment Corporation (“Receiver”)  
2 hereby gives notice that the sole purpose of filing his *Motion for Leave to Amend*  
3 *Complaint* (“Motion for Leave”) was to cure any alleged deficiencies in his original  
4 complaint that Defendants’ raised in their Motions to Dismiss, which the Receiver  
5 disputes.

6 Accordingly, the proper way to proceed is for this Court to rule on Defendants’  
7 Motions to Dismiss, and if the Court is inclined to grant them because of the alleged  
8 deficiencies raised, then allow the Receiver to amend his complaint in accordance with  
9 the Motion for Leave. Accordingly, this renders moot Defendants’ suggestions in its  
10 Non-opposition to Plaintiff’s Motion for Leave to File Amended Complaint.  
11

12 The Receiver has filed a response to the Chase Defendants’ *Motion to Suspend*  
13 *Briefing on the Chase Defendants’ Motion to Dismiss Plaintiff’s Original Complaint*  
14 contemporaneously with this Notice.  
15

16 **DATED** this 18<sup>th</sup> day of March, 2020.

17  
18 **Bergin, Frakes, Smalley & Oberholtzer, PLLC**

19 /s/ Ken Frakes  
20 Brian Bergin  
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1 **ORIGINAL** filed electronically  
2 this 18<sup>th</sup> day of March, 2020 via  
3 TURBOCOURT with:

4 Maricopa County Superior Court  
5 www.turbocourt.com

6 And a copy mailed and/or emailed  
7 this 18<sup>th</sup> day of March, 2020 to:

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24 By: /s/ Kristine Berry  
25