

1 Colin F. Campbell, 004955
Geoffrey M. T. Sturr, 014063
2 Timothy J. Eckstein, 018321
Joseph N. Roth, 025725
3 Osborn Maledon, P.A.
2929 North Central Avenue, 21st Floor
4 Phoenix, Arizona 85012-2793
(602) 640-9000
5 ccampbell@omlaw.com
gsturr@omlaw.com
6 teckstein@omlaw.com
jroth@omlaw.com

7 Attorneys for Plaintiff
8

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN THE COUNTY OF MARICOPA**

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

14 Plaintiff,

15 v.

16 U.S. Bank, NA, a national banking
organization; Hilda H. Chavez and John
17 Doe Chavez, a married couple; JPMorgan
Chase Bank, N.A., a national banking
18 organization; Samantha Nelson f/k/a
Samantha Kumbalek and Kristofer Nelson,
19 a married couple; and Vikram Dadlani and
Jane Doe Dadlani, a married couple,

20 Defendants.
21

No. CV2019-011499

**PLAINTIFF'S TWELFTH
SUPPLEMENTAL RULE 26.1
DISCLOSURE STATEMENT RE
EXPERT REPORTS, CASHIER'S
CHECKS WITHOUT SUPPORTING
BANK DOCUMENTATION,
FORGED CHECKS AND FORGED
WIRES**

22 For its Twelfth Supplemental Disclosure Statement, Plaintiff Peter S. Davis, as
23 Receiver of DenSco Investment Corporation, sets forth the following in addition to its
24 prior disclosure statements:

25 **VI. EXPERT WITNESSES**

26 (A) The expert report of F3, forensic accountants, regarding damages, is
27 produced with this disclosure statement.
28

1 (B) The expert report of Jeffrey P. Gaia regarding US Bank liability is produced
2 with this disclosure statement, along with an index of documents relied on and cited in
3 report.

4 (C) The expert report of Jeffrey P. Gaia regarding Chase Bank liability is
5 produced with this disclosure statement, along with an index of documents relied on and
6 cited in report.

7 **VII. COMPUTATION AND MEASURE OF DAMAGES**

8 The computation and measure of damages against both Chase Bank and US Bank
9 is set forth in the expert report of F3.

10 **IX. RELEVANT DOCUMENTS**

11 Plaintiff has previously produced for each of the cashier's checks issued by US
12 Bank and Chase Bank that were stamped with not used for their intended purpose, relevant
13 documents for each transaction. Relevant documents included for each property that was
14 to be purchased with the cashier's check: the cashier's check, withdrawal slips (by US
15 Bank only; no withdrawal slips have been produced by Chase Bank), the deposit slip, the
16 loan file on the property, and the email by cell phone/text sending a picture of the check
17 and the trustee's receipt (where available). Plaintiff has also produced a combined
18 Summary Spreadsheet for each of the cashier's checks issued by US Bank and Chase
19 Bank stamped with not used for its intended purpose, referencing the bates numbers for
20 the items, along with available copies of each supporting document for each item,
21 organized by property address.

22 Plaintiff, in the Second Supplemental Disclosure Statement, disclosed images of
23 cashier's checks for both US Bank (R-002704 to 2723) and Chase Bank (R-001325-1335)
24 that **are not linked** to any cash withdrawal or cash deposit slips from US Bank or Chase
25 Bank. For these cashier's checks, DenSco wired monies to US Bank and Chase Bank, so
26 monies for these checks are reflected in the damage analysis prepared by Plaintiff's
27 forensic accounting expert. As to these cashier's checks, Receiver does not have copies
28 of the backside of these checks, or any supporting bank documents such as bank

1 withdrawal or bank deposit slips. Supporting bank documents as to these checks were not
2 previously produced by the banks in response to subpoenas issued by the Receiver pre-
3 litigation, or since this case was filed. Plaintiff does not know whether these checks are
4 reflected in lists of cashier's checks kept by either bank, as the banks have not produced
5 these lists. These checks appear genuine on their face. For lack of a better term, the
6 Receiver refers to these checks as "orphan checks."

7 Menaged stopped obtaining cashier's checks from Chase Bank stamped with not
8 used for their intended purpose after June 22, 2015. However, Menaged then began
9 forging Chase cashier's checks after that date. The Chase cashier's check forgeries
10 continued until September 22, 2015. DenSco wired monies to Chase Bank pursuant to
11 receipt of these forged cashier's checks.

12 On and after September 2015, Menaged forged wire transfer information to
13 DenSco; that is, Menaged forged that monies were wired to purchase properties that
14 DenSco would have a lien on.

15 DenSco has loan files for these orphan checks and for these forgeries, both
16 cashier's checks and wire transfers, as DenSco believed they were real loans the same as
17 the loans with cashier's checks stamped with not used for their intended purpose. These
18 loan files have been produced within the document depository production of documents,
19 but are not included in the separate prior production of trial exhibits referred to in the first
20 paragraph above.

21 DATED this 11th day of January 2022.

22 OSBORN MALEDON, P.A.

23
24 By _____

25 Colin F. Campbell
26 Geoffrey M. T. Sturr
27 Timothy J. Eckstein
28 Joseph N. Roth
2929 North Central Avenue, 21st Floor
Phoenix, Arizona 85012-2793

Attorneys for Plaintiff

1 COPY of the foregoing served via email and first-class mail*/
2 email only this 11th day of January, 2022, on:

3 Nicole Goodwin*
4 GREENBERG TRAUIG, LLP
5 2375 East Camelback Road, Suite 800
6 Phoenix, Arizona 85016
7 goodwinn@gtlaw.com
8 hershbergera@gtlaw.com
9 aranat@gtlaw.com

7 Paul J. Ferak
8 Jonathan H. Claydon
9 GREENBERG TRAUIG, LLP
10 77 West Wacker Drive, Suite 3100
11 Chicago, Illinois 60601
12 ferakp@gtlaw.com
13 claydonj@gtlaw.com

11 *Attorneys for Defendant JP Morgan Chase Bank, N.A.,
12 Samantha Nelson f/k/a Samantha Kumbalek,
13 Kristofer Nelson, Vikram Dadlani, and Jane Doe Dadlani*

14 Gregory J. Marshall*
15 Amanda Z. Weaver
16 SNELL & WILMER, LLP
17 400 East Van Buren Street, Suite 1900
18 Phoenix, Arizona 85004-2202
19 gmarshall@swlaw.com
20 aweaver@swlaw.com
21 ehenry@swlaw.com
22 pdooley@swlaw.com

19 Kenneth C. Rudd
20 David B. Chenkin
21 ZEICHNER ELLMAN & KRAUSE LLP
22 1211 Avenue of the Americas, 40th Floor
23 New York, New York 10036
24 krudd@zeklaw.com
25 dchenkin@zeklaw.com

24 *Attorneys for Defendants U.S. Bank National Association and Hilda H. Chavez*

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VERIFICATION

Pursuant to Rule 8(h), Ariz.R.Civ.P., I, Peter S. Davis, as receiver for Plaintiff, DenSco Investment Corporation, an Arizona corporation, verify under penalty of perjury the foregoing is true and correct:

1. DenSco Investment Corporation is the Plaintiff for the above-entitled action.
2. I have read the foregoing Plaintiff's Twelfth Supplemental Rule 26.1 Disclosure Statement and know the contents thereof.
3. The statements and matters alleged are true of my own personal knowledge as the receiver for DenSco Investment Corporation, except as to those matters stated upon information and belief, and as to such matters, I reasonably believe them to be true.

DATED this 7th day of January, 2022.

DENSCO INVESTMENT CORPORATION, an Arizona corporation



By: Peter S. Davis
Its: Receiver