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7  
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
9 IN AND FOR THE COUNTY OF MARICOPA

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

12 Plaintiff,

13 v.

14 Clark Hill PLC, a Michigan limited  
liability company; David G. Beauchamp  
15 and Jane Doe Beauchamp, husband and  
16 wife,

17 Defendants.

No. CV2017-013832

**PLAINTIFF'S OBJECTIONS AND  
RESPONSES TO DEFENDANTS'  
FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

18 Pursuant to Rule 34(b)(3), Plaintiff Peter S. Davis, as the court-appointed receiver  
19 of DenSco Investment Corporation (the "Receiver"), responds to Defendants' First Set  
20 of Requests for Production of Documents as follows:

21 **PRELIMINARY STATEMENT**

22 The Receiver has not completed discovery or trial preparation and therefore  
23 reserves the right to supplement or amend these responses.

24 **OBJECTIONS TO INSTRUCTIONS**

25 1. The Receiver objects to Defendants' Instructions to the extent that they seek  
26 to impose obligations broader than or inconsistent with the Arizona Rules of Civil  
27 Procedure.  
28



1           2.     The request is also overly broad and unduly burdensome, in that it  
2 attempts to circumvent the 10-request limit of Rule 34(b)(1) by requesting documents  
3 relating to several dozen Interrogatories at once.

4           3.     The request is also unduly burdensome because, as explained in the  
5 Receiver's Response to Defendants' First Set of Non-Uniform Interrogatories, many of  
6 the Interrogatories seek information that is already in Defendants' possession or  
7 otherwise readily available to Defendants, making production unnecessary.

8           **Response to Request No. 1**

9           Without waiving these objections, the Receiver states that his responses to  
10 Defendants' First Set of Non-Uniform Interrogatories refer to relevant portions of the  
11 Receiver's Initial Disclosure Statement and, with respect to documents on which the  
12 information disclosed therein is based, states that the Receiver's counsel is in the process  
13 of compiling and numbering those documents, which will be disclosed through a  
14 supplemental disclosure statement that the Receiver anticipates serving within the next  
15 30 days. The Receiver refers Defendants to those documents.

16           **REQUEST NO. 2**

17           All communications between You and any investor of DenSco.

18           **Objections to Request No. 2**

19           1.     The request for all communications with any investor of DenSco is  
20 overly broad and unduly burdensome in that it would include immaterial  
21 communications, such as ministerial communications on receivership matters. The  
22 Receiver will not produce such immaterial communications.

23           **Response to Request No. 2**

24           Without waiving this objection, the Receiver states that relevant communications  
25 with DenSco investors are described in the receivership proceedings in documents such  
26 as the September 19, 2016 Preliminary Report (§ 2.3.1); the October 21, 2016 Investor  
27 Meeting Minutes (pgs. 1-9); the December 23, 2016 Status Report (§ 2.4); and the  
28

1 December 22, 2017 Status Report (§ 2.8). These documents are available online at  
2 <http://denscoreceiver1.godaddysites.com/densco.html>.

3 **REQUEST NO. 3**

4 All communications between You and any employee, agent, or representative of  
5 Preston CPA, P.C.

6 **Objections to Request No. 3**

7 1. The request for “all” communications with any employee, agent, or  
8 representative of Preston CPA, P.C. is overly broad and unduly burdensome, in that it is  
9 not limited to communications “relevant to” a party’s claim or defense as required by  
10 Rule 26(b)(1)(A).

11 **Response to Request No. 3**

12 Without waiving this objection, the Receiver produces herewith the following  
13 responsive documents: (1) the January 2017 subpoena issued to Preston CPA; (2)  
14 subsequent email correspondence between the Receiver’s counsel and attorney James  
15 Polese; and (3) other email correspondence with Preston CPA. Those documents have  
16 been numbered R-RFP-Response000001-000148.

17 Documents received from Preston CPA are available in the Document  
18 Depository. Moreover, copies of documents received from Preston CPA were mailed to  
19 Defendants on a disk on January 17, 2018.

20 **REQUEST NO. 4**

21 All communications between You and any law enforcement agency or  
22 prosecuting party relating to or concerning the facts underlying this litigation or the  
23 DenSco Receivership.

24 **Objections to Request No. 4**

25 1. The request for “all” communications with any law enforcement  
26 agency or prosecuting party “concerning the facts underlying this litigation or the  
27 DenSco Receivership” is unreasonably vague, in that it does not “describe with  
28 reasonable particularity” the requested documents as required by Rule 34(b)(2)(A), and

1 may be construed to include communications relating to facts beyond those set forth in  
2 the Receiver's Initial Disclosure Statement.

3           2. To the extent that the request includes communications relating to  
4 facts beyond those set forth in the Receiver's Initial Disclosure Statement, the request is  
5 overly broad and unduly burdensome because it is not limited to communications  
6 "relevant to" a party's claim or defense as required by Rule 26(b)(1)(A).

7           **Response to Request No. 4**

8           Without waiving these objections, the Receiver produces herewith the following  
9 responsive documents: email communications between the Receiver's counsel and  
10 representatives of the IRS and the U.S. Department of Justice relating to the Menaged  
11 investigation. Those documents have been numbered R-RFP-Response000149-000937.

12           **REQUEST NO. 5**

13           All final or draft settlement agreements executed between You and any person or  
14 entity.

15           **Objections to Request No. 5**

16           1. The request for "draft" settlement agreements is overly broad and  
17 unduly burdensome, in that draft settlement agreements are not "relevant to" a party's  
18 claim or defense as required by Rule 26(b)(1)(A). The Receiver will not produce such  
19 documents.

20           **Response to Request No. 5**

21           Without waiving this objection, the Receiver states that the Receiver's petitions  
22 for court approval of settlement agreements, and any resulting court orders, are part of  
23 the receivership proceeding and are available online at  
24 <http://denscoreceiver1.godaddysites.com/densco.html>. Each petition for court approval  
25 of a settlement agreement includes, as an exhibit, the agreement itself.

26           **REQUEST NO. 6**

27           All "monthly statements" that investors of DenSco received from DenSco or  
28 Denny J. Chittick, as referenced in Paragraph 30 of the Complaint.

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**Response to Request No. 6**

Investor statements are among the documents in Box 96 of the Receiver's Document Depository. Defendants' counsel previously requested, by letter, the documents in Box 96. The Receiver is in the process of providing Defendants' counsel with copies of those documents.

DATED this 9<sup>th</sup> day of March 2018.

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COPY of the foregoing hand delivered this 9<sup>th</sup> day of March 2018, on:

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A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

Davis v. Clark Hill  
CV2017-013832

Disc Burn Date  
03/09/2018

Plaintiff's Response to First Set of Request  
for Production of Documents  
R-RFP-Response000001-000937