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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

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

Plaintiff,

v.

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

Defendants.

No. CV2019-011499

**RESPONSE TO PLAINTIFF'S  
REQUESTS FOR  
ADMISSION, INTERROGATORIES,  
AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS  
RE DEFERRED PROSECUTION  
AGREEMENT TO U.S. BANK**

Defendant U.S. Bank National Association ("U.S. Bank") responds to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production of Documents re Deferred Prosecution Agreement to U.S. Bank.

These responses are made only for the purposes of this action, and each response is subject to all objections as to relevancy, materiality, admissibility, foundation, hearsay, privilege and all other objections which would require the exclusion of any statement made or document referenced or produced at the time of trial or hearing. All objections are

1 expressly reserved and may be asserted at the time of trial, hearing, or deposition. Further,  
2 all responses are made to the best of the present knowledge and belief of U.S. Bank.

3 U.S. Bank does not concede the relevance of the requests nor the relevance or  
4 admissibility of any information provided. The fact that information is provided in  
5 response to a particular request does not mean that it is probative of any particular issue in  
6 this case. U.S. Bank reserves its right to object to future discovery requests involving  
7 related subject matter on the basis of relevance.

8 Notwithstanding and without waiving the foregoing objections, U.S. Bank responds  
9 as follows:

10 **REQUESTS FOR ADMISSION**

11 **RESPONSE TO REQUEST FOR ADMISSION NOS. 1 – 22:**

12 U.S. Bank preserves the following objections: (1) the Requests are designed solely  
13 to harass U.S. Bank; (2) U.S. Bank has already admitted all facts included in the Statement  
14 of Facts in the Deferred Prosecution Agreement (“DPA”), and purporting to require U.S.  
15 Bank to do so again is improper; (3) the Requests are entirely irrelevant to the claims and  
16 defenses in this case, specifically, but not limited to the factual assertions related to the  
17 Bank Secrecy Act. Subject to these objections, U.S. Bank states that because Plaintiff  
18 asserts that the Requests are merely copied from the DPA, U.S. Bank is not addressing  
19 each and every Request individually and, instead, is relying on the accuracy of Plaintiff’s  
20 representation. To the extent any Request is a verbatim quotation or an accurate  
21 representation from U.S. Bank’s Statement of Facts in the DPA, U.S. Bank admits the  
22 Request but notes that the statement must be read in the context in which it was asserted.  
23 To the extent Plaintiff has not accurately represented U.S. Bank’s assertions in the  
24 Statement of Facts to the DPA or in context, U.S. Bank denies the Requests. U.S. Bank  
25 otherwise denies each and every Request.  
26  
27  
28

**REQUESTS FOR PRODUCTION OF DOCUMENTS****REQUEST FOR PRODUCTION NO. 1:**

Documents specifically referred to in the Statement of Facts for the deferred prosecution agreement.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

U.S. Bank objects on the following grounds: (1) the Request exceeds the permitted number of requests for production, *see* Ariz. R. Civ. P. 26.2(f)(3), and by making this response, and asserting the following objections, U.S. Bank does not waive its objection that the Request is improper; (2) the Request seeks a production that is not relevant to any claim or defense as to U.S. Bank; (3) the Request is overbroad and unduly burdensome because the Request seeks all documents referred to in the Statement of Facts, none of which is relevant to any claim or defense in this case; (4) the Request is unduly burdensome because it purports to require U.S. Bank to scour the Statement of Facts and identify each document sought by Plaintiff, improperly shifting the burden and cost of identification from Plaintiff to U.S. Bank; and (5) for the reasons stated above the Request demands a burdensome production that would be disproportionate to the needs of this case.

**REQUEST FOR PRODUCTION NO. 2:**

Documents pertaining to or relating to each statement of fact in the deferred prosecution agreement.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

U.S. Bank objects on the following grounds: (1) the Request exceeds the permitted number of requests for production, *see* Ariz. R. Civ. P. 26.2(f)(3), and by making this response, and asserting the following objections, U.S. Bank does not waive its objection that the Request is improper; (2) the Request seeks a production that is not relevant to any claim or defense as to U.S. Bank; (3) the Request is overbroad and unduly burdensome because the Request seeks all documents “pertaining to or relating to” the Statement of Facts, none of which is relevant to any claim or defense in this case; (4) the Request is unduly burdensome because it purports to require U.S. Bank to scour the Statement of Facts

1 and identify each document sought by Plaintiff, improperly shifting the burden and cost of  
2 identification from Plaintiff to U.S. Bank; (5) for the reasons stated above, the Request  
3 demands a burdensome production that would be disproportionate to the needs of this case;  
4 (6) to the extent DenSco seeks attorney-client or work product protected documents, U.S.  
5 Bank objects and declines to produce such documents; (7) to the extent the Request seeks  
6 documents protected under the Bank Secrecy Act, U.S. Bank responds by reference to 31  
7 U.S.C. § 5318(g)(2)(A)(i), 12 C.F.R. § 21.11(k), 31 C.F.R. 1020.320(e), 75 Fed. Reg.  
8 75593, 75595 (Dec. 3, 2010) and declines to identify whether any such responsive  
9 documents exist; (8) U.S. Bank objects to the extent that the Request seeks information  
10 protected by the bank examination privilege, non-public OCC information, or confidential  
11 supervisory information. Any request for such information must be made to the Office of  
12 the Comptroller of the Currency, the Board of Governors of the Federal Reserve System  
13 or other appropriate regulator. *See, e.g.*, 12 C.F.R. 4.31 *et seq*; 12 C.F.R. Part 261. Any  
14 such request for non-public OCC information must be submitted to the OCC pursuant to  
15 12 C.F.R. 4.33 and 4.34. Any request for information to the Federal Reserve System must  
16 be made pursuant to 12 C.F.R. 261.11 *et seq.*; and (9) to the extent the Request seeks  
17 documents regarding the accounts or other personal and private information of customers  
18 other than Plaintiff, U.S. Bank objects on grounds that such information is not relevant, its  
19 production is not proportional to the needs of the case, and the information is sensitive,  
20 confidential, and private.

21 **REQUEST FOR PRODUCTION NO. 3:**

22 Documents turned over to the government by request or by subpoena relating or  
23 pertaining to the deferred prosecution agreement.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

25 U.S. Bank objects on the following grounds: (1) the Request exceeds the permitted  
26 number of requests for production, *see* Ariz. R. Civ. P. 26.2(f)(3), and by making this  
27 response, and asserting the following objections, U.S. Bank does not waive its objection  
28 that the Request is improper; (2) the Request seeks a production that is not relevant to any

claim or defense as to U.S. Bank; (3) to the extent the Request requires U.S. Bank to disclose that it received a federal grand jury subpoena, such Request is improper in that it may require U.S. Bank to violate 18 U.S.C. § 1510 and/or 12 U.S.C. § 3420; (4) to the extent the Request seeks documents protected under the Bank Secrecy Act, U.S. Bank responds by reference to 31 U.S.C. § 5318(g)(2)(A)(i), 12 C.F.R. § 21.11(k), 31 C.F.R. 1020.320(e), 75 Fed. Reg. 75593, 75595 (Dec. 3, 2010) and declines to identify whether any such responsive documents exist; (5) the Request is overbroad, unduly burdensome, and disproportionate to the needs of the case because the Request seeks every document provided to the government, none of which is relevant to any claim or defense in this case; (6) the Request is unduly burdensome because it requires U.S. Bank to determine every document that was turned over to the government during a multi-year investigation, regardless of relevance, and thus the Request demands a burdensome production that would be disproportionate to the needs of this case; and (7) U.S. Bank objects to the extent that the Request seeks information protected by the bank examination privilege, non-public OCC information, or confidential supervisory information. Any request for such information must be made to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or other appropriate regulator. *See, e.g.*, 12 C.F.R. 4.31 *et seq.*; 12 C.F.R. Part 261. Any such request for non-public OCC information must be submitted to the OCC pursuant to 12 C.F.R. 4.33 and 4.34. Any request for information to the Federal Reserve System must be made pursuant to 12 C.F.R. 261.11 *et seq.*

#### **REQUEST FOR PRODUCTION NO. 4:**

Any written statement by an employee regarding the factual statements in the deferred prosecution agreement.

#### **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

U.S. Bank objects on the following grounds: (1) the Request exceeds the permitted number of requests for production, *see* Ariz. R. Civ. P. 26.2(f)(3), and by making this response, and asserting the following objections, U.S. Bank does not waive its objection

1 that the Request is improper; (2) the Request seeks a production that is not relevant to any  
2 claim or defense as to U.S. Bank; (3) the phrase “written statement” is so vague and  
3 ambiguous that U.S. Bank cannot reasonably discern its meaning; (4) the Request is  
4 overbroad, unduly burdensome, and disproportionate to the needs of the case because the  
5 Request seeks “[a]ny written statement” regarding any of the “factual statements” in the  
6 DPA; (5) to the extent DenSco seeks attorney-client or work product protected documents,  
7 U.S. Bank objects and declines to produce such documents; (6) U.S. Bank objects to the  
8 extent that the Request seeks information protected by the bank examination privilege,  
9 non-public OCC information, or confidential supervisory information. Any request for  
10 such information must be made to the Office of the Comptroller of the Currency, the Board  
11 of Governors of the Federal Reserve System or other appropriate regulator. *See, e.g.,* 12  
12 C.F.R. 4.31 *et seq.*; 12 C.F.R. Part 261. Any such request for non-public OCC information  
13 must be submitted to the OCC pursuant to 12 C.F.R. 4.33 and 4.34. Any request for  
14 information to the Federal Reserve System must be made pursuant to 12 C.F.R. 261.11 *et*  
15 *seq.*

## 16 INTERROGATORIES

### 17 INTERROGATORY NO. 1:

18 List the name and address of company employees who have or had knowledge of  
19 the statement of facts in the deferred prosecution agreement, or is referred to in the deferred  
20 prosecution agreement, or who gave statements to the government regarding matters in the  
21 statement of facts in the deferred prosecution agreement.

### 22 RESPONSE TO INTERROGATORY NO. 1:

23 U.S. Bank objects on the following grounds: (1) the Request seeks information that  
24 is not relevant to any claim or defense as to U.S. Bank; (2) the Request is designed solely  
25 to harass U.S. Bank as it does not seek information that is relevant to a claim or defense in  
26 this case; (3) the Request is disproportionate to the needs of this case because it demands  
27 that U.S. Bank identify all “employees who have or had knowledge,” who are “referred to  
28 in” the DPA, and who “gave statements” “regarding matters” in the DPA, none of which

1 is relevant to the claims or defenses in this case; (4) the term “statement” and phrase  
2 “matters in the statement of facts” are so vague and ambiguous that U.S. Bank cannot  
3 reasonably discern their meaning; (5) the Request is unduly burdensome because it  
4 demands that U.S. Bank, among other things, scour the DPA to identify all employees who  
5 were referred to in the DPA, and scour every document that may have been given to the  
6 government, regardless of any relevancy to the claims and defenses as to U.S. Bank in this  
7 case, improperly shifting the burden and cost of identification from Plaintiff to U.S. Bank;  
8 and (6) to the extent that the Request would require U.S. Bank to reveal that it received a  
9 federal grand jury subpoena, such Request is improper in that it may require U.S. Bank to  
10 violate 18 U.S.C. § 1510 and/or 12 U.S.C. § 3420.

11 DATED this 20<sup>th</sup> day of July, 2021.

12 SNELL & WILMER L.L.P.

13  
14 By: 

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**CERTIFICATE OF SERVICE**

The foregoing was served via e-mail on the following parties this 20<sup>th</sup> day of July, 2021.

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