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14 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

15 IN AND FOR THE COUNTY OF MARICOPA

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

19 Plaintiff,

20 v.

21 U.S. Bank, NA, a national banking
22 organization; Hilda H. Chavez and John
23 Doe Chavez, a married couple; JP Morgan
24 Chase Bank, N.A., a national banking
25 organization; Samantha Nelson f/k/a
26 Samantha Kumbalek and Kristofer
27 Nelson, a married couple; and Vikram
28 Dadlani and Jane Doe Dadlani, a married
couple,

Defendants

No. CV2019-011499

**PLAINTIFF’S RESPONSE TO
DEFENDANTS JPMORGAN CHASE
BANK, N.A., SAMANTHA NELSON,
AND VIKRAM DADLANI’S FIRST
SET OF NON-UNIFORM
INTERROGATORIES**

(Assigned to the Honorable
Daniel Martin)

Pursuant to Rule 33 of the Arizona Rules of Civil Procedure, Plaintiff responds to Defendant JPMorgan Chase Bank, N.A. (“Chase”), Samantha Nelson, and Vikram Dadlani’s (collectively, “Defendants” or “Chase Defendants”) First Set of Non-Uniform Interrogatories.

1 **INTERROGATORIES**

2 **INTERROGATORY NO. 1:**

3 Describe in detail the factual basis for your allegation that Vikram Dadlani knew
4 or was generally aware that Yomtov “Scott” Menaged (“Menaged”) was engaging in the
5 alleged fraudulent conduct set forth in the TAC and identify any document or other source
6 where any such fact is found.

7 **RESPONSE TO INTERROGATORY NO. 1:**

8 *See* expert report of Jeff Gaia regarding actions and conduct of Chase Bank. Mr.
9 Gaia’s report is produced along with these interrogatory answers.

10 Mr. Dadlani has not yet been deposed in this case. Chase produced a reprimand
11 to Mr. Dadlani for giving a customer \$20,000 in a paper bag. Chase did not say who the
12 customer was.

13 Mr. Dadlani was aware that Menaged took large withdrawals for gambling from
14 his business account. (JPMC 00625) Upon information and belief, Mr. Dadlani was
15 aware of Menaged’s asking for cashier’s checks not to be used for their intended purpose.
16 (JPMC 00618; 00628) He is often copied on emails to Susan Kumbalek (Susan Nelson)
17 re cashier’s checks needed by Menaged for the next day. The branch would prepare
18 withdrawal and deposit slips prior to Menaged’s coming to the bank.

19 Chase Bank has a Branch Profitability Incentive Plan to share branch profits with
20 employees like Mr. Dadlani. (JPMC 00485; 0500; 00516; 00535)

21 Mr. Dadlani was deposed in the Clark Hill case but has not yet been deposed in
22 this case.

23 **INTERROGATORY NO. 2:**

24 Describe in detail the factual basis for your allegation that Samantha Nelson knew
25 or was generally aware that Menaged was engaging in the alleged fraudulent conduct set
26 forth in the TAC and identify any document or other source where any such fact is found.

27 **RESPONSE TO INTERROGATORY NO. 2:**

28 *See* expert report of Jeff Gaia regarding actions and conduct of Chase Bank.

1 Ms. Nelson (also Susan Kumbalek) has not yet been deposed in this case. Ms.
2 Nelson was advised in multiple emails of the checks needed by Menaged the next day.
3 Chase prepared all the paperwork for withdrawal and deposit before Menaged appeared
4 at the bank. There was no legitimate business purpose for what Menaged was doing with
5 the cashier's checks.

6 Ms. Nelson was deposed in the Clark Hill case but has not yet been deposed in this
7 case.

8 **INTERROGATORY NO. 3:**

9 Other than as set forth in response to Interrogatories 1 and 2 above, describe in
10 detail the factual basis for your allegation that Chase knew or was generally aware that
11 Menaged was engaging in the alleged fraudulent conduct set forth in the TAC and identify
12 any document or other source where any such fact is found.

13 **RESPONSE TO INTERROGATORY NO. 3:**

14 *See* expert report of Jeff Gaia regarding actions and conduct of Chase Bank.

15 Susan Lazar was Menaged's personal banker. From emails, Lazar was aware of
16 Menaged's gambling. (JPMC 001872, "My darling, my business card is declining again,"
17 JPMC 001874, "in future you will not get declined at Casino Arizona," JPMC 01898,
18 JPMC 02024, "tried to make a point of purchase advance at casino for 20,000 and it was
19 declined"). She was aware of Menaged's large wire transfers (JPMC 01352), and worked
20 to increase his limit on wire transfers, and advised him on the status of wire transfers.
21 (JPMC 001386) She would advise Menaged about holds on his check deposits and wires.
22 (JPMC 001452; 001460; 001826; 001868) She asked Cash Management Services to
23 ensure that "if there is ever a check coming out and for whatever reason there isn't enough
24 funds – it will push through." (JPMC 02019) Upon information and belief, Ms. Nelson
25 was aware of Menaged's use of cashier's checks that were not for their intended purpose.

26 Lazar was aware of Menaged's using a consumer account for business. (JPMC
27 02043) Although Chase "typically . . . would just email the customer asking them to stop
28 the business activity or else . . . close the account," because of the "size of the

1 relationship,” Chase’s response was that there “may be an opportunity to deepen the
2 relationship and offer the customer a business product that meets his needs.” (*Id.*, *see*
3 *also* JPMC 002044, 002046)

4 Menaged was aware his business made Lazar look good. (JPMC 001917,
5 “deposited 550K in my personal account so you look good,” JPMC 001933, “you got
6 another account of mine overnight!!!@ HA HA”). In some emails, Ms. Lazar refers to
7 him as “Dearest Scott.” (JPMC 001989)

8 Ms. Lazar’s performance reviews note that she takes “true interest in her clients
9 and is constantly looking for ways to deepen trust by making a personal connection and
10 building rapport.” (JPMC 001996) Chase Bank has a Branch Profitability Incentive Plan.
11 (JPMC 00485; 0500; 00516; 00535)

12 Ms. Lazar has not yet been deposed.

13 **INTERROGATORY NO. 4:**

14 Describe in detail the factual basis for your allegation that Vikram Dadlani
15 substantially assisted and/or encouraged Menaged’s alleged fraud against DenSco set
16 forth in the TAC and identify any document or other source where any such fact is found.

17 **RESPONSE TO INTERROGATORY NO. 4:**

18 *See* expert report of Jeff Gaia regarding actions and conduct of Chase Bank. *See*
19 Response to Interrogatory No. 1.

20 Mr. Dadlani was deposed in the Clark Hill case but has not yet been deposed in
21 this case.

22 **INTERROGATORY NO. 5:**

23 Describe in detail the factual basis for your allegation that Samantha Nelson
24 substantially assisted and/or encouraged Menaged’s alleged fraud against DenSco set
25 forth in the TAC and identify any document or other source where any such fact is found.

26 **RESPONSE TO INTERROGATORY NO. 5:**

27 *See* expert report of Jeff Gaia regarding actions and conduct of Chase Bank.
28

1 Ms. Nelson was deposed in the Clark Hill case but has not yet been deposed in this
2 case.

3 **INTERROGATORY NO. 6:**

4 Other than as set forth in response to Interrogatories 4 and 5 above, describe in
5 detail the factual basis for your allegation that Chase substantially assisted and/or
6 encouraged Menaged's alleged fraud against DenSco set forth in the TAC and identify
7 any document or other source where any such fact is found.

8 **RESPONSE TO INTERROGATORY NO. 6:**

9 See expert report of Jeff Gaia regarding actions and conduct of Chase Bank. See
10 responses to Interrogatory Nos. 1, 2 and 3.

11 **INTERROGATORY NO. 7:**

12 Describe in detail the factual basis for your allegation that Vikram Dadlani
13 economically benefitted from allegedly assisting Menaged's alleged fraud against
14 DenSco set forth in the TAC and identify any document or other source where any such
15 fact is found.

16 **RESPONSE TO INTERROGATORY NO. 7:**

17 See expert report of Jeff Gaia regarding actions and conduct of Chase Bank. See
18 Response to Interrogatory No. 1.

19 Mr. Dadlani was deposed in the Clark Hill case but has not yet been deposed in
20 this case.

21 **INTERROGATORY NO. 8:**

22 Describe in detail the factual basis for your allegation that Samantha Nelson
23 economically benefitted from allegedly assisting Menaged's alleged fraud against
24 DenSco set forth in the TAC and identify any document or other source where any such
25 fact is found.

26 **RESPONSE TO INTERROGATORY NO. 8:**

27 See expert report of Jeff Gaia regarding actions and conduct of Chase Bank. See
28 Response to Interrogatory No. 2.

1 Ms. Nelson was deposed in the Clark Hill case but has not yet been deposed in this
2 case.

3 **INTERROGATORY NO. 9:**

4 Other than as set forth in Interrogatories 7 and 8 above, describe in detail the
5 factual basis for your allegation that Chase economically benefitted from allegedly
6 assisting Menaged's alleged fraud against DenSco set forth in the TAC and identify any
7 document or other source where any such fact is found.

8 **RESPONSE TO INTERROGATORY NO. 9:**

9 See expert report of Jeff Gaia regarding actions and conduct of Chase Bank. See
10 responses to preceding interrogatories.

11 Mr. Dadlani was deposed in the Clark Hill case but has not yet been deposed in
12 this case.

13 **INTERROGATORY NO. 10:**

14 Describe in detail the factual basis for your allegation that Vikram Dadlani
15 authorized, requested, commanded, ratified or recklessly tolerated Menaged's alleged
16 pattern of racketeering activity set forth in the TAC and identify any document or other
17 source where any such fact is found.

18 **RESPONSE TO INTERROGATORY NO. 10:**

19 See expert report of Jeff Gaia regarding actions and conduct of Chase Bank. See
20 Response to Interrogatory No. 1.

21 **INTERROGATORY NO. 11:**

22 Describe in detail the factual basis for your allegation that Samantha Nelson
23 authorized, requested, commanded, ratified or recklessly tolerated Menaged's alleged
24 pattern of racketeering activity set forth in the TAC and identify any document or other
25 source where any such fact is found.

26 **RESPONSE TO INTERROGATORY NO. 11:**

27 See expert report of Jeff Gaia regarding actions and conduct of Chase Bank. See
28 Response to Interrogatory No. 2.

1 Ms. Nelson was deposed in the Clark Hill case but has not yet been deposed in this
2 case.

3 **INTERROGATORY NO. 12:**

4 State the amount of damages you seek from the Chase Defendants and provide the
5 calculation therefore.

6 **RESPONSE TO INTERROGATORY NO. 12:**

7 *See* expert report of Fenix Financial.

8 **INTERROGATORY NO. 13:**

9 Identify all witnesses that you contend have personal knowledge of any of the facts
10 set forth in response to Interrogatories 1 through 12.

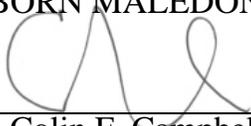
11 **RESPONSE TO INTERROGATORY NO. 13:**

12 *See* expert report of Jeff Gaia regarding actions and conduct of Chase Bank. *See*
13 expert report of Fenix Financial.

14 Plaintiff and Chase have identified witnesses with knowledge in their Rule 26.1
15 Statements and Supplemental Statements.

16 DATED this 12th day of January 2022.

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