

FIENCE INVESTMENTS LTD.,

No. CV2018-003675

Plaintiff,

V.

**APPLICATION FOR ENTRY OF  
DEFAULT AGAINST DEFENDANT  
RON ARNOLD**

AZTEC COPPER INC., an Arizona corporation; RON ARNOLD, an individual; and CHRISTINE REEVES, an individual,

(Assigned to Hon. Daniel Kiley)

Defendants.

Pursuant to Rule 55, Ariz. R. Civ. P., Plaintiff respectfully requests that the Court enter the default of Defendant Ron Arnold ("Arnold"). In support of this Application, counsel for Plaintiff represents as follows:

1. On August 21, 2018, Plaintiff served the following documents on Arnold:
  - a. Summons
  - b. Complaint
  - c. Certificate of Compulsory Arbitration
  - d. Corrected Certificate of Service

- e. Minute Entry (dated 04/03/2018)
- f. Application for Entry of Default
- g. Motion to Set Default Hearing
- h. Order Setting Default Hearing
- i. Minute Entry (dated 08/02/2018)
- j. Notice of Default Hearing

See Declaration in Support of Application for Entry of Default attached hereto and incorporated herein by reference as Exhibit 1.

2. Pursuant to Rule 12(a)(1)(A)(i), Ariz. R. Civ. P., Arnold had until September 20, 2018, to file an answer or otherwise respond to the Complaint.

3. Arnold has failed to answer or otherwise respond to the Complaint within the time required. As of today's date, undersigned counsel has not received an answer or other responsive pleading from Arnold, and the Court docket does not reflect that one has been filed by Arnold.

4. It is unclear whether Arnold is represented by counsel. The Notice of Appearance filed by Stephen C. Rich on August 20, 2018, states under his contact information in the caption and on the signature block that he is "Attorneys for Defendants." However the text states Mr. Rich "appears on behalf of the Defendant Aztec Copper Inc." In addition, Stephen C. Snyder, a Canadian Barrister/Solicitor, has stated that he represents the individual defendants, so a copy of this Application will be served on Mr. Snyder.

5. A copy of this Application will be served on Stephen C. Rich, as well as Defendant Arnold at the following addresses:

c/o Stephen C. Snyder  
Snyder & Associates LLP  
#2500 Sun Life Place  
10123- 99 Street  
Edmonton AB T5J 3H1  
Canada

Ron Arnold  
16211 - 89 Street  
Edmonton AB T5Z 3M3  
Canada

1           WHEREFORE, Plaintiff requests that the Clerk of this Court enter the default of  
2 Defendant Ron Arnold.

3  
4           Respectfully submitted 22nd day of March, 2019.

5                                   COPPERSMITH BROCKELMAN PLC

6                                   By /s/ Keith Beauchamp

7                                   Keith Beauchamp

8                                   Roopali H. Desai

9                                   Attorneys for Plaintiff

10          ORIGINAL efiled on March 22, 2019.

11          COPY served via overnight delivery  
12 on March 22, 2019, to:

13          Stephen C. Rich  
14          Stephen C. Rich, PLLC  
15          3401 East Elwood, #101  
16          Phoenix, AZ 85040

17          Ron Arnold  
18          16211 – 89 Street  
19          Edmonton AB T5Z 3M3  
20          Canada

21          c/o Stephen C. Snyder  
22          Snyder & Associates LLP  
23          #2500 Sun Life Place  
24          10123- 99 Street  
25          Edmonton AB T5J 3H1  
26          Canada

27          /s/ Sheri McAlister

**Exhibit 1**

**Exhibit 1**



- d. Corrected Certificate of Service
- e. Minute Entry (dated 04/03/2018)
- f. Application for Entry of Default
- g. Motion to Set Default Hearing
- h. Order Setting Default Hearing
- i. Minute Entry (dated 08/02/2018)
- j. Notice of Default Hearing

A copy of the Declaration of Service is attached hereto as Exhibit A.

3. Pursuant to Rule 12(a)(1)(A)(i), Ariz. R. Civ. P., Arnold had until September 20, 2018, to file an answer or otherwise respond to the Complaint.

4. As of today's date, Arnold has not answered or otherwise responded to the Complaint, and the Court docket does not reflect that a response has been filed by Arnold.

5. To comply with the requirements of 50 U.S.C. § 520, the undersigned verifies that Arnold is not an infant, incompetent, or in the military service.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 22nd day of March, 2019.

/s/ Keith Beauchamp

**Exhibit A**

**Exhibit A**

1 Keith Beauchamp (012434)  
2 Roopali H. Desai (024295)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5490  
7 F: (602) 224-6020  
8 kbeauchamp@cblawyers.com  
9 rdesai@cblawyers.com  
10 *Attorneys for Plaintiff*

11 **ARIZONA SUPERIOR COURT**  
12 **MARICOPA COUNTY**

13 **FIERCE INVESTMENTS LTD.,**

14 **Plaintiff,**

15 **v.**

16 **AZTEC COPPER INC., an Arizona**  
17 **corporation; RON ARNOLD, an individual;**  
18 **and CHRISTINE REEVES, an individual,**

19 **Defendants.**

) No. CV2018-003675

) **DECLARATION OF SERVICE**

) (Assigned to Hon. Daniel Kiley)

20 Ron Bayda, the undersigned, certifies under the penalty of perjury:

21 1. I am a licensed private process server in Edmonton, Alberta and I am fully  
22 qualified pursuant to the regulations governing Service of Process in Edmonton, Canada to  
23 serve process in this case.

24 2. I received for service the following documents in the above action:

- 25 a. Summons  
26 b. Complaint  
c. Certificate of Compulsory Arbitration



- d. Corrected Certificate of Service
- e. Minute Entry (dated 04/03/2018)
- f. Application for Entry of Default
- g. Motion to Set Default Hearing
- h. Order Setting Default Hearing
- i. Minute Entry (dated 08/02/2018)
- j. Notice of Default Hearing

from Keith Beauchamp (Bar No. 012434) with Coppersmith Brockelman PLC located in Phoenix, Arizona, on August 10, 2018.

3. I personally served copies of the documents listed above on the individual and in the manner, date and time listed below.

**INDIVIDUAL:** Ron Arnold

**DATE & TIME:** August 21, 2018 at 7:7:16 p.m.

**ADDRESS:** 16211 - 89 Street, Edmonton, AB T5Z 3M3

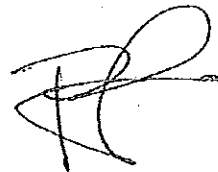
**MANNER:** Personally

**DESCRIPTION:** Male, 70 yrs old, 275 lbs, white hair, glasses

**NOTES:**

DATED this 22nd day of August, 2018.

LORMIT



By: \_\_\_\_\_

RON BAYDA  
PROCESS SERVER

1 Keith Beauchamp (012434)  
2 Röopali H. Desai (024295)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5490  
7 F: (602) 224-6020  
8 kbeauchamp@cblawyers.com  
9 rdesai@cblawyers.com  
10 *Attorneys for Plaintiff*

11 **ARIZONA SUPERIOR COURT**  
12 **MARICOPA COUNTY**

13 FIERCE INVESTMENTS LTD., ) No. CV2018-003675  
14 )  
15 Plaintiff, )  
16 )  
17 v. ) **MOTION FOR CONTEMPT**  
18 )  
19 AZTEC COPPER INC., an Arizona )  
20 corporation; RON ARNOLD, an individual; ) (Assigned to Hon. Daniel J. Kiley)  
21 and CHRISTINE REEVES, an individual, )  
22 )  
23 Defendants. )  
24 )  
25 )  
26 )

1 Pursuant to Rule 37 of the Arizona Rules of Civil Procedure, and the inherent power of  
2 this Court, Plaintiff Fierce Investments Ltd. ("Fierce") moves for an order holding Defendants  
3 Aztec Copper Inc. ("Aztec") and Christine Reeves in contempt for failing to comply with the  
4 Judgment entered in this matter on December 4, 2018.

5 The Judgment ordered Defendants to produce and/or make available for inspection the  
6 books and records of Aztec within ten days at the offices of Fierce's counsel in Phoenix, Arizona.  
7 The Judgment also ordered that Defendants Ron Arnold and Christine Reeves, the directors and  
8 officers of Aztec, appear for depositions in Arizona within thirty days (*i.e.*, by January 4, 2019).

1 Defendants failed to comply with either of those directives, despite numerous written requests  
2 by Fierce's counsel that they do so. Accordingly, Fierce moves to hold Aztec and Ms. Reeves  
3 in contempt.<sup>1</sup> This motion is supported by the Declaration of Keith Beauchamp ("Beauchamp  
4 Decl.") filed herewith and the exhibits to that Declaration. A proposed form of order is submitted  
5 herewith.

## 6 BACKGROUND

7 Since January 2018, Fierce has sought to exercise its statutory right to inspect the books  
8 and records of Aztec. Following multiple exchanges of correspondence, in which Aztec's  
9 Canadian counsel offered various excuses but never supplied the requested records, Fierce filed  
10 this litigation. Aztec initially declined to appear, and then hired Arizona counsel to contest  
11 (unsuccessfully) the entry of default.

12 On December 4, 2018, Judgment was entered in this matter. The Judgment orders that  
13 "Aztec, its counsel, and all those acting in concert with it . . . produce and/or make available for  
14 inspection the books and records of the Company to Fierce within ten (10) days." [See Exhibit 1  
15 to Beauchamp Decl.] Aztec's books and records were to be made available at "the offices of  
16 Fierce's counsel in Phoenix, Arizona." [Id.]

17 The Judgment also ordered "that Aztec shall make its director and officer of record—Ron  
18 Arnold and Christine Reeves—available for deposition in Arizona . . . within thirty days . . . to  
19 answer questions relevant to this action (including enforcement of this Judgment) and to the  
20 related lawsuit filed by Fierce against Aztec in this Court which seeks, *inter alia*, an order  
21 requiring Aztec [to] hold its annual shareholder meeting pursuant to Arizona law." [Id.] Mr.  
22 Arnold and Ms. Reeves have for many years been directors and officers of Aztec, an Arizona  
23 corporation, although they reside in Canada.

24  
25 <sup>1</sup> Because counsel for Mr. Arnold belatedly advised that he is unable to travel due to some  
26 unspecified medical issue, Fierce does not seek a contempt finding against him at this time. But  
Fierce does not waive its right to do so at some later date.

1        **Aztec's Failure to Produce Books and Records**

2        Upon receipt of the Judgment, Fierce's counsel sent a letter on December 11, 2018 to  
3 Stephen Snyder, Canadian counsel for Defendants, and to Stephen Rich, Arizona counsel for  
4 Defendants, asking when Aztec would make its books and records available for inspection in  
5 Phoenix. [See Beauchamp Decl. ¶ 5 **Exhibit 2** thereto (12/11/18 letter from K. Beauchamp to  
6 S. Snyder and S. Rich)] That letter also noted that Mr. Arnold and Ms. Reeves were ordered to  
7 appear for deposition in Phoenix no later than January 4, 2019. [See Beauchamp Decl. ¶ 6]

8        Aztec did not produce its books and records, much less make them available at the offices  
9 of Fierce's counsel in Phoenix, by December 14, 2018, as required by the Judgment. Indeed,  
10 Aztec still has not made its books and records available for inspection, more than three months  
11 after the passage of that Court-ordered deadline. [Beauchamp Decl. ¶ 7]

12        On December 18, 2018, Defendants' counsel emailed a list containing 123 names (with  
13 no other identifying information) purporting to be "a list of the shareholders of Aztec which has  
14 been prepared on the basis of the most recent information known to Mr. Arnold and Ms. Reeves."  
15 [See Email from S. Snyder to K. Beauchamp dated December 18, 2018, attached as **Exhibit 3** to  
16 Beauchamp Decl.] No detail was supplied as to how the list was prepared, when it was prepared,  
17 who prepared it, what records were used to prepare it, etcetera. [Beauchamp Decl. ¶ 8] In any  
18 event, a list of purported shareholder names does not constitute the "books and records" of Aztec,  
19 which should include items such as minutes of meetings of the board of directors, board  
20 resolutions, financial statements, communications with shareholders, minutes of shareholder  
21 meetings, etcetera. [See Complaint ¶ 16]

22        On December 22, 2018, Fierce again demanded that Aztec produce the books and records  
23 as required by the Judgment. [See Beauchamp Decl. ¶ 9 and **Exhibit 4** thereto (12/22/18 email  
24 from K. Beauchamp to S. Snyder)].

25        On December 27, 2018, Aztec's Canadian counsel asserted that "to the best of my  
26 knowledge, Aztec Copper Inc. has been inactive for many years," and "has no 'books'" or

1 “records.” [Letter from S. Snyder to K. Beauchamp dated December 27, 2018, **Exhibit 5** to  
2 Beauchamp Decl.] Mr. Snyder gave no explanation as to the basis for his having any knowledge  
3 about Aztec. Conversely, any historical knowledge about Aztec claimed by Mr. Snyder is highly  
4 suspect because just nine months earlier—in response to Fierce’s pre-suit demand for books and  
5 records—he claimed not to represent Aztec. [See Beauchamp Decl. ¶ 10 and **Exhibit 6** thereto  
6 (03/22/18 letter from S. Snyder to K. Beauchamp) (Snyder stating “I have not been retained by  
7 the Arizona company, Aztec Copper, Inc.”)]. This unsworn assertion by a non-party lacking  
8 foundation is, of course, no substitute for deposition testimony of an Aztec director and officer  
9 with knowledge of Aztec’s books and records

10 In stark contrast to Mr. Snyder’s recent involvement, Mr. Arnold and Ms. Reeves have  
11 been directors and/or officers of Aztec since 2009 and 2010, respectively. During that period,  
12 the number of shares issued by Aztec have varied significantly as reported in Aztec’s annual  
13 reports signed by Mr. Arnold and Ms. Reeves. Moreover, Aztec has hardly been inactive for  
14 many years. Aztec and its Mexican subsidiary, Prime Aztec Mexicana, S.A. de C.V., have been  
15 since 2014 (and still are) involved in other litigation, and presumably has bank accounts and  
16 other financial records associated with the retention of counsel, among other things such as  
17 ongoing litigation, variances in the number of shares, and appointment of Mr. Arnold and Reeves  
18 as officers and directors. In short, it is absurd to suggest that Aztec has no books and records.  
19 And if, indeed, Aztec has no books and records, Ms. Reeves and Mr. Arnold need to explain  
20 why that is so under oath at their depositions.

21 Notwithstanding its failure to produce books and records, and the failure to produce  
22 witnesses for deposition, “[Aztec] and its directors take the position that they have fully complied  
23 with any Orders or instructions provided by the court in this matter.” [See Beauchamp Decl. ¶ 11  
24 and **Exhibit 5** thereto (12/27/18 letter from S. Snyder to K. Beauchamp)].

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1 about whether Mr. Arnold can travel in early January due to some unstated recent  
2 "procedure" is not sufficient to excuse his attendance. If he truly has a medical  
3 reason why he cannot travel, please provide an appropriate level of explanation to  
4 support that request, which would include a note from his physician stating why  
5 he cannot travel in that period, and advising when he would be able to travel. Ms.  
6 Reeves' obligation to appear for her deposition is unrelated to Mr. Arnold's  
7 obligation, and we expect her to appear.

8 [See Beauchamp Decl. ¶ 18 and **Exhibit 4** thereto (12/22/18 letter from K. Beauchamp to  
9 S. Snyder)]

10 In a letter dated December 27, 2018, Mr. Snyder asserted, inaccurately, that the Judgment  
11 requiring the depositions was prepared "without any prior consultation with Aztec Copper, its  
12 legal counsel, or its directors." [See **Exhibit 4**] In fact, of course, the draft Judgment and other  
13 related papers were served on Aztec's Arizona counsel and on Mr. Snyder (who has expressly  
14 confirmed that he represents Mr. Arnold, Ms. Reeves and Aztec). Yet Aztec, Mr. Arnold and  
15 Ms. Reeves and their counsel elected not to object to the proposed form of judgment.

16 On December 31, 2018, Mr. Snyder again offered to make Mr. Arnold and Ms. Reeves  
17 available for deposition in Edmonton, notwithstanding Fierce's explicit rejection of that very  
18 offer. [See Beauchamp Decl. ¶ 21 and **Exhibit 7** thereto (12/31/18 letter from S. Snyder to K.  
19 Beauchamp)] Again, no reason was offered as to why Ms. Reeves could not appear at her  
20 deposition.

21 Aztec did not file a protective order or seek relief from this Court in advance of the  
22 depositions set for January 2, 2019, notwithstanding that the deposition notices were served on  
23 December 11, 2018. Nor did Mr. Arnold and Ms. Reeves seek a protective order.

24 On January 2, 2019, in accordance with the deposition notices, a court reporter and  
25 counsel for Fierce appeared at the appointed time and place for the depositions of Mr. Arnold  
26 and Ms. Reeves. Counsel went on the record with the court reporter, and waited for over 30  
minutes, but neither Mr. Arnold nor Ms. Reeves ever appeared. [See Beauchamp Decl. ¶ 22 and  
**Exhibit 8** thereto (01/02/19 deposition transcript)]

1 On January 10, 2019, more than a week after the deposition was to have taken place, Mr.  
2 Snyder provided a note from Gateway Medical Clinic dated January 9, 2019 relating to Mr.  
3 Arnold stating that due to unspecified health issues, Mr. Arnold was advised "not to travel for at  
4 least six months until all investigations and issues are resolved." [See Beauchamp Decl. ¶ 23  
5 and **Exhibit 9** thereto (01/10/19 letter from S. Snyder to K. Beauchamp)]

6 Neither Ms. Reeves nor her counsel have ever provided any explanation as to why she  
7 failed to appear for her deposition on January 2, 2019. [See Beauchamp Decl. ¶ 24]

### 8 ARGUMENT

9 These facts warrant a finding of contempt. The record is clear that Defendants have  
10 intentionally disobeyed an order of this Court.

11 The Court has inherent power to find contempt and to punish for contempt. *Trombi v.*  
12 *Donahoe*, 223 Ariz. 261, 267, 222 P.3d 284 (App. 2009); *State v. Cohen*, 15 Ariz. App. 436, 489  
13 P.2d 283 (1971). The Court has inherent discretion to impose a penalty for contempt that is  
14 proportionate to the conduct deemed contumacious. *Hamilton v. Mun. Ct. of Mesa*, 163 Ariz.  
15 374, 788 P.2d 107 (App. 1989).

16 In addition, Rule 37(b)(2)(A)(vii) allows the Court to treat as contempt of court the failure  
17 to obey any order to provide or permit discovery. Rule 37(f) allows the Court to order any  
18 sanction, including contempt of court, for a party's (or a party's officer's or director's) failure to  
19 appear for his or her deposition after being served with proper notice. The Court retained  
20 jurisdiction over this matter to ensure compliance with these orders, and should exercise its  
21 power to ensure that its orders are complied with.

22 Fierce defers to this Court's judgment as to the full range of sanctions appropriate here,  
23 but respectfully submits that proportionate sanctions would, at a minimum, include (1) requiring  
24 a representative of Aztec as well as Ms. Reeves to appear before this Court to explain their failure  
25 to comply with this Court's orders; (2) requiring Aztec and Ms. Reeves to pay the expenses  
26 associated with the filing of this motion and the related deposition costs for the deposition at



1 which Ms. Reeves failed to appear, and (3) ordering Defendants to promptly comply with the  
2 Judgment by producing Aztec's books and records at the offices of undersigned counsel, and  
3 making Ms. Reeves and Mr. Arnold available for a deposition in Phoenix forthwith.

4 **CONCLUSION**

5 For the reasons set forth herein, Fierce respectfully requests entry of an order holding  
6 Defendants Aztec Copper Inc. and Christine Reeves in contempt of this Court.

7  
8 Respectfully submitted this 20th day of March, 2019.

9 **COPPERSMITH BROCKELMAN PLC**

10 By /s/ Keith Beauchamp

11 Keith Beauchamp

12 Roopali H. Desai

13 *Attorneys for Plaintiff*

14 ORIGINAL efiled on March 20, 2019.

15 COPY mailed March 20, 2019, to:

16 Stephen C. Rich  
17 Stephen C. Rich, PLLC  
18 3401 East Elwood, Suite 101  
19 Phoenix, AZ 85040  
*Attorney for Defendants*

20 Courtesy copy sent via overnight delivery to:

21 Stephen Snyder  
22 Snyder & Associates, LLP  
23 #2500 Sun Life Place  
24 10123 - 99 Street  
25 Edmonton, AB T5J 3H1  
ssnyder@snyder.ca  
*Attorney for Defendants*

26 /s/ Sheri McAlister

1 Keith Beauchamp (012434)  
2 Roopali H. Desai (024295)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5490  
7 F: (602) 224-6020  
8 kbeauchamp@cblawyers.com  
9 rdesai@cblawyers.com  
10 *Attorneys for Plaintiff*

11 **ARIZONA SUPERIOR COURT**  
12 **MARICOPA COUNTY**

13 FIERCE INVESTMENTS LTD.,	) No. CV2018-003675
14	)
15 Plaintiff,	) <b>DECLARATION OF KEITH</b>
16 v.	) <b>BEAUCHAMP IN SUPPORT OF</b>
17	) <b>PLAINTIFF'S MOTION FOR</b>
18 AZTEC COPPER INC., an Arizona	) <b>CONTEMPT</b>
19 corporation; RON ARNOLD, an individual;	)
20 and CHRISTINE REEVES, an individual,	)
21	) (Assigned to Hon. Daniel J. Kiley)
22 Defendants.	)
23	)

24 I, Keith Beauchamp, hereby state that:

25 1. I am a partner in the law firm Coppersmith Brockelman PLC ("CB"), and have  
26 been admitted to the practice of law in the State of Arizona since 1989. I am lead counsel for  
Plaintiff Fierce Investments Ltd. ("Fierce") in the above-captioned matter and have personal  
knowledge of the matters described herein.

2 This Affidavit is submitted in support of Plaintiff's Motion for Contempt against  
Defendant Aztec Copper Inc. ("Aztec") and those acting in concert with Aztec.

1           3.     On December 4, 2018, Judgment was entered in this matter. That Judgment orders  
2 that "Aztec, its counsel, and all those acting in concert with it . . . produce and/or make available  
3 for inspection the books and records of the Company to Fierce within ten (10) days." [A copy  
4 of the Judgment is attached as **Exhibit 1**] Aztec's books and records were to be made available  
5 at "the offices of Fierce's counsel in Phoenix, Arizona." [*Id.*]

6           4.     The Judgment also ordered "that Aztec shall make its director and officer of  
7 record—Ron Arnold and Christine Reeves—available for deposition in Arizona . . . within thirty  
8 days . . . to answer questions relevant to this action (including enforcement of this Judgment)  
9 and to the related lawsuit filed by Fierce against Aztec in this Court which seeks, *inter alia*, an  
10 order requiring Aztec [to] hold its annual shareholder meeting pursuant to Arizona law." [*Id.*]

11                     **Aztec's Failure to Produce Books and Records**

12           5.     On December 11, 2018, I sent a letter via email and Federal Express on behalf of  
13 Fierce to Stephen C. Snyder, Canadian counsel for Defendants, and Stephen C. Rich, Arizona  
14 counsel for Defendants, asking for an update as to its compliance with the requirement that Aztec  
15 make its books and records available for inspection at my office in Phoenix. (A copy of my  
16 December 11, 2018 letter is attached hereto as **Exhibit 2**)

17           6.     The December 11, 2018 letter also noted that Mr. Arnold and Ms. Reeves were  
18 ordered to appear for deposition in Phoenix no later than January 4, 2019 (*i.e.*, within 30 days of  
19 entry of the judgment). The failure of Aztec's directors and officers to appear for depositions is  
20 addressed in paragraphs 12 to 24, below.

21           7.     Aztec did not produce its books and records, much less make them available in  
22 Phoenix, by December 14, 2018, as required by the Judgment. Indeed, it still has not done so.

23           8.     On December 18, 2018, Defendants' counsel emailed to me a list of 123 names  
24 (with no other identifying information) purporting to be "a list of the shareholders of Aztec which  
25 has been prepared on the basis of the most recent information known to Mr. Arnold and Ms.  
26 Reeves." [Email from S. Snyder to K. Beauchamp dated December 18, 2018, attached hereto as

1 **Exhibit 3]** No detail was supplied as to how the list was prepared, by whom, based on what  
2 underlying documents, etcetera. Moreover, this list of names did not constitute the “books and  
3 records” of Aztec, which should include items such as financial records, communications with  
4 shareholders, minutes of shareholders meetings, etcetera.

5 9. On December 22, 2018, Fierce again demanded that Aztec produce the books and  
6 records as required by the Judgment. [Email from K. Beauchamp to S. Snyder dated December  
7 22, 2018, attached hereto as **Exhibit 4]**

8 10. In a letter dated December 27, 2018, Aztec’s Canadian counsel asserted that “to  
9 the best of my knowledge, Aztec Copper Inc. has been inactive for many years,” and [t]o the  
10 best of my knowledge, Aztec has no “books” or “records.” [Letter from S. Snyder to K.  
11 Beauchamp dated December 27, 2018, attached hereto as **Exhibit 5]** Mr. Snyder gave no  
12 explanation as to the basis for his knowledge about Aztec. His purported historical knowledge  
13 of Aztec is highly suspect, because just nine months earlier—in response to Fierce’s pre-suit  
14 demand for books and records—he stated: “I have not been retained by the Arizona company,  
15 Aztec Copper, Inc.” [Letter from S. Snyder to K. Beauchamp dated March 22, 2018, attached  
16 as **Exhibit 6]**

17 11. Notwithstanding Aztec’s failure to produce books and records, and failure to  
18 produce witnesses for deposition, Mr. Snyder asserted that “[Aztec] and its directors take the  
19 position that they have fully complied with any Orders or instructions provided by the court in  
20 this matter.” [**Exhibit 5]**

#### 21 **Failure to Appear for Depositions**

22 12. My December 11, 2018 letter to Aztec’s counsel noted that the Judgment required  
23 Mr. Arnold and Ms. Reeves to appear for their depositions in Phoenix no later than January 4,  
24 2019 (*i.e.*, within 30 days of entry of the judgment). [*See* **Exhibit 2]**

1           13.    The December 11, 2018 letter enclosed deposition notices, set the depositions of  
2 Mr. Arnold and Ms. Reeves for January 2, 2019, and offered to consider alternative dates if the  
3 noticed date was inconvenient. [*Id.*]

4           14.    The December 11, 2018 letter made clear that there would be consequences to the  
5 company and its officers/directors if the deponents did not appear: "If Mr. Arnold and Ms.  
6 Reeves do not appear for their depositions, we will seek appropriate relief against them  
7 individually, as well as against Aztec. That relief would likely include entry of an order of  
8 contempt." [Exhibit 2]

9           15.    The January 2, 2019 date fell just within the deadline set by the Judgment to hold  
10 the depositions within 30 days of December 4, 2018.

11           16.    On December 18, 2018, Mr. Snyder asked if Fierce's counsel would travel to  
12 Canada for the depositions. Mr. Snyder stated that he was "uncertain as to [Mr. Arnold's] ability  
13 to travel" due to an unspecified "procedure." Mr. Snyder did not affirmatively state that  
14 Mr. Arnold would be unable to travel by January 2, 2019, and he provided no information from  
15 any medical provider. [Exhibit 3]

16           17.    As for Ms. Reeves, Mr. Snyder did not suggest she could not travel, or provide any  
17 reason as to why she could not appear on January 2, 2019 for her deposition. [*Id.*]

18           18.    In a letter dated December 22, 2018, I rejected the suggestion that the depositions  
19 take place in Edmonton rather than Arizona:

20                   [W]e decline to travel to Edmonton to take these depositions. The Court  
21 ordered that they take place here. We obtained that order only after expending  
22 substantial funds and effort, and overcoming the attempts of Mr. Arnold and Ms.  
23 Reeves to avoid their obligations as directors and officers of an Arizona  
24 corporation. The vague information you have provided as to some "uncertainty"  
25 about whether Mr. Arnold can travel in early January due to some unstated recent  
26 "procedure" is not sufficient to excuse his attendance. If he truly has a medical  
reason why he cannot travel, please provide an appropriate level of explanation to  
support that request, which would include a note from his physician stating why  
he cannot travel in that period, and advising when he would be able to travel. Ms.

1 Reeves' obligation to appear for her deposition is unrelated to Mr. Arnold's  
2 obligation, and we expect her to appear.

3 [Exhibit 4 (12/22/2018 letter from K. Beauchamp to S. Snyder)]

4 19. In a letter dated December 27, 2018, Mr. Snyder asserted, falsely, that the  
5 Judgment requiring the depositions was prepared "without any prior consultation with Aztec  
6 Copper, its legal counsel, or its directors." [See Exhibit 5] In fact, of course, the proposed form  
7 of Judgment and other related papers were served on Aztec's Arizona counsel and on Mr. Snyder  
8 (who has expressly confirmed that he represents Mr. Arnold, Ms. Reeves and Aztec).

9 20. My December 11, 2018 letter offered Defendants the opportunity to propose  
10 another date that would be more convenient, but they proposed no alternative dates in Arizona.

11 21. On December 31, 2018, Mr. Snyder again offered to make Mr. Arnold and Ms.  
12 Reeves available for deposition in Edmonton. [Letter from S. Snyder to K. Beauchamp dated  
13 December 31, 2018, attached hereto as Exhibit 7] Mr. Snyder said he would be in contact with  
14 me "early next week." But Mr. Snyder did not contact me early the next week.

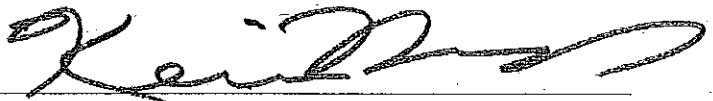
15 22. On January 2, 2019, I sought to take the depositions of Mr. Arnold and Ms. Reeves  
16 at my office. I went on the record with the court reporter, and waited for over 30 minutes, but  
17 neither Mr. Arnold nor Ms. Reeves appeared. [See Exhibit 8 (01/02/19 deposition transcript)]

18 23. On January 10, 2019, more than a week after the date the deposition was set, Mr.  
19 Snyder provided a note from Gateway Medical Clinic dated January 9, 2019 stating, in full, "Due  
20 to ongoing health issues we have advised this patient [Mr. Arnold] not to travel for at least six  
21 months until all investigations and issues are resolved." [Letter from S. Snyder to K. Beauchamp  
22 dated January 10, 2019, attached hereto as Exhibit 9]

23 24. Defendants' counsel has provided no explanation for Ms. Reeves' failure to appear  
24 for her deposition on January 2, 2019.

1 I declare under penalty of perjury that the foregoing is true and correct.  
2

3 DATED this 20th of March, 2019.  
4

5   
6 Keith Beauchamp  
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# **Exhibit 1**



Attorneys for Plaintiff

## MARICOPA COUNTY

Plaintiff,

V.

Defendants.

## JUDGMENT

(Assigned to the Hon. Daniel J. Kiley)

IT IS HEREBY ORDERED AND DECLARED that:

A. Plaintiff Fierce has the right to inspect the books and records of Aztec under A.R.S. § 10-1602 but has been denied its right to conduct such inspection; and

B. Aztec, its counsel, and all those acting in concert with it are **HEREBY ORDERED** to produce and/or make available for inspection the books and

1 records of the Company to Fierce within ten (10) days of the date of this order  
2 the offices of Fierce's counsel in Phoenix Arizona.

3 IT IS FURTHER ORDERED that Fierce is awarded its reasonable attorneys' fees and  
4 costs incurred in connection with this matter, pursuant to A.R.S. §§ 10-1604(C) and 12-341.01;

5 IT IS FURTHER ORDERED that Aztec shall make its director and officer of record—  
6 Ron Arnold and Christine Reeves—available for deposition in Arizona by Plaintiff's counsel  
7 within thirty (30) days of the date of this Order to answer questions relevant to this action  
8 (including enforcement of this Judgment) and to the related lawsuit filed by Fierce against  
9 Aztec in this Court which seeks, *inter alia*, an order requiring Aztec hold its annual  
10 shareholder meeting pursuant to Arizona law (CV2018-006866), and

11 This Court retains jurisdiction over this matter to ensure compliance with the orders and  
12 declaratory relief set forth herein.

13  
14 DATED this \_\_\_\_\_ day of November, 2018.

15  
16  
17 \_\_\_\_\_  
18 Daniel J. Kiley  
19 Maricopa County Superior Court Judge  
20  
21  
22  
23  
24  
25  
26

# eSignature Page 1 of 1

Filing ID: 9936593 Case Number: CV2018-003675  
Original Filing ID: 9826930

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Granted with Modifications



/S/ Daniel Kiley Date: 12/3/2018  
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2018-003675

SIGNATURE DATE: 12/3/2018

E-FILING ID #: 9936593

FILED DATE: 12/4/2018 8:00:00 AM

ROOPALI HARDIN DESAI

STEPHEN C RICH

CHRISTINE REEVES  
NO ADDRESS ON RECORD

RON ARNOLD  
NO ADDRESS ON RECORD

# **Exhibit 2**

COPPERSMITH  
BROCKELMAN

LAWYERS

Keith Beauchamp  
kbeauchamp@cblawyers.com  
PH. (602) 381-5490  
FAX (602) 224-6020

2800 North Central Avenue, Suite 1900  
Phoenix, AZ 85004  
CBLAWYERS.COM

December 11, 2018

**Via Email and Federal Express**

Stephen C. Snyder  
Snyder & Associates LLP  
#2500 Sun Life Place  
10123- 99 Street  
Edmonton AB T5J3H1  
ssnyder@snyder.ca

Stephen C. Rich  
Stephen C. Rich, PLLC  
3401 East Elwood, Suite 101  
Phoenix, AZ 85040  
scr@srichlaw.com

**Re: Aztec Copper Inc.**

Dear Messrs. Snyder and Rich:

As you know, the Arizona Superior Court entered judgment against Aztec Copper, Inc. ("Aztec") in CV2018-003675 (the "Books and Records Judgment") on December 5, 2018. That same day, a second judgment was entered against Aztec in CV2018-006866 (the "Annual Meeting Judgment"). Copies of these two judgments are enclosed for your convenience.

The Books and Records Judgment requires Aztec to make its books and records available to us in Phoenix within ten days of the order. Please provide an update on the status of your compliance with the judgment, as that deadline is rapidly approaching.

The Books and Records Judgment also orders that Ron Arnold and Christine Reeves shall be available for deposition in Phoenix within 30 days (i.e., by January 4, 2019). Enclosed are deposition notices for Mr. Arnold and Ms. Reeves. We have set the depositions for January 2, 2019, but if you wish to propose some alternative date(s) we are happy to work with you on that. In the absence of reaching some separate agreement, we expect Mr. Arnold and Ms. Reeves to appear for their depositions as noticed. Mr. Snyder has already stated in writing that he represents Mr. Arnold and Ms. Reeves, so we do not intend to effectuate separate service. Moreover, because they are officers and directors of Aztec, an Arizona corporation, they are bound by this order directed to Aztec. If Mr. Arnold and Ms. Reeves do not appear for their depositions, we will seek appropriate relief against them individually, as well as against Aztec. That relief would likely include entry of an order of contempt.

Stephen C. Snyder  
Stephen C. Rich  
December 11, 2018  
Page 2

The Annual Meeting Judgment requires "Aztec, its counsel, and all those acting in concert with it . . . to set the annual shareholder meeting within 40 days" (i.e., by January 14, 2019), and to give notice at least 10 days before the meeting takes place. Please confirm that Aztec (including its counsel, officers and directors) will comply with this provision.

The Annual Meeting Judgment also requires that "Aztec, its counsel, and all those acting in concert with it" deliver to my office within 10 days of the date of the order "a list of those shareholders entitled to receive notice and to vote at the annual meeting." We look forward to receiving that list shortly.

The Annual Meeting Judgment further provides that "Aztec is further ORDERED to make it director[s] and officer of record—Ron Arnold and Christine Reeves—available for deposition by Plaintiff's counsel within thirty (30) days." Deposition notices for January 2, 2019 relating to the Annual Meeting Judgment are enclosed, as we can take a single deposition of each witness for the two cases, no need for two separate depositions for each of them.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Beauchamp", with a stylized flourish at the end.

Keith Beauchamp

KB:slm  
Enclosures  
cc: Roopali Desai, Esq.

**Exhibit 3**

# **Exhibit 3**



**From:** Stephen C. Snyder  
**To:** Keith Beauchamp  
**Cc:** Stephen Rich  
**Subject:** Aztec Copper Inc. - Fierce Investments Ltd.  
**Date:** Tuesday, December 18, 2018 10:31:20 AM  
**Attachments:** Aztec Shareholder List.pdf

I refer to your correspondence of the 11<sup>th</sup> of December.

With respect to the contents thereof I would advise as follows:

1. Dealing first of all with the proposed date of the depositions, I should indicate that Ron Arnold has recently undergone a surgical procedure. As at the time of dictation hereof, I am uncertain as to his ability to travel. If that is a problem, are you amenable to coming to Edmonton to examine him?
2. Were you to come to Edmonton, it would make sense for you to examine Ms. Reeves at the same time.
3. I am enclosing herewith a list of the shareholders of Aztec which has been prepared on the basis of the most recent information known to Mr. Arnold and Ms. Reeves.

I look forward to hearing from you at your early convenience, and remain,

Yours truly,

**Stephen C. Snyder**

**Managing Partner**

#2500 Sun Life Place, 10123 – 99 Street

Edmonton, AB, T5J 3H1

Tel: 780-426-4133 Fax: 780-424-1588

[ssnyder@snyder.ca](mailto:ssnyder@snyder.ca) <http://snyder.ca>

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**AZTEC SHARE HOLDER LIST****No.                      SHAREHOLDERS**

1	Adolph, Allan & M
2	Allan, Rick & Darci
3	Arnold, Ron & D
4	Barker, Darren
5	Belland, Denis
6	Benolt, Andre & Val
7	Berry, Kim & B
8	Berube, Marcel & P
9	Bradshaw, Brian
10	Brown, Doug & M
11	Buttner, Linda
12	Carlson, Ken
13	Cherkewick, Vicky
14	Craig, Rod
15	Damberger, Tammy
16	Dawson, Ahlene
17	Douglas, Will & S
18	Elliott, Glen
19	Emerson, Randy & T
20	Ferguson, L. & L.
22	Flintoft, Ross
23	French, Teresa
24	Gomola, Geraldine
25	Gauthier, Ray & Chris
26	Goodwin, Dianne
27	Harris, Steve & J
28	Harris, M. & T, J.
29	Hart, Brian
30	Harvey, Nicholas / Bev
31	Hawkins, Stuart & D
32	Hopkins, Roger & C
33	Hughes, Sandra, L
34	Hughes, Robert

35	Hunter, Cindy	
36	Hunter, Lefr, Pelle	
37	Jones, K. William	
38	Jones, Victor & Pat	
39	Jones, Pamela	
40	Kent, Kenneth	
41	Kluchky, Kenneth	
42	Korker Diversified	
43	Krause, Wayne	
44	Kumar, R & P	
45	Lamothe, Greg	
46	Lamothe, Valerie	
47	Larsen, Svend & H	
48	Maddison, Mike	
49	Manayod, Bernadette	
50	Mason Exploration	
51	Minchau, Mark	
52	Minchau, Sharon & Martin	
53	McCarthy, John	
54	Mc Cannon, Wayne	
55	McDonald, Gordon	
56	Mc Dowell, Duff	
57	McGinn, Dorothy	
58	McNelly, John & B	
59	McJannet, R / Lalji, Z	
60	Nakonechny, M, V & S	
61	Naslund, Donna & A	
62	Naslund, Jeffrey & C	
63	Niehaus, Tim & Sharon	
64	Olsen, Nells & Silvia	
65	Pangrass, Robert	
66	Parks, Shelley	
67	Patrick, Joe Snr	
68	P. A. L. B. Systems	
69	Pennay, Richard	
70	Popowich, Linda	
71	Porter, Vern	

72	Price, Terence & Vonda	
73	Quintillo Enterprises	
74	Reeves,Chris	
75	Reid, Barry	
76	Renfrow, Gordon	
77	Reynders, Wayne	
78	Satkunas, Joanne	
79	Chardwick, Peter	
80	Roddis, Murray C.	
81	Selbel, Steve	
82	Sharp, Ann	
83	Shaughnessy, William	
84	Squires, R. & Reeves	
85	Symanczyk, Alan	
86	Tagg, Steven	
87	Terry, Wendell	
88	Thomas, C. & Tyson	
89	Thorp, Ron	
90	Vogel, Fran	
91	Vogel, F & Goodwin	
92	Williams Steve	
93	Willmer, Kim, Judy	
94	Yakimchuk, Thomas R.	
95	Yates, Syd & Bonnie	
96	Zimmer, Darlene & D	
97	Zylenko, Ron	
98	Lamothe, Norman	
99	Bach, Jens Richard	
100	Boedecker, George	
101	Gallegoes, Manuel	
102	Hernandez, Robert	
103	Langlois, David G&L	
104	Leuenberger, Werner	
105	Litwin, Gregory	
106	Nicol, Michael and Susan	
107	Venuta, mike	
108	Tebbutt, Wayne	

109	Agundez, Jeff	
110	Lavigne, Susanne	
111	Brice, Andre	
112	Daney, Leighton	
113	Clifford, Ken	
114	Bromelias Tornaşol SA	
115	RAINFOREST CAPITAL CORP. C/O GLEN HARDER	
116	David Hermiston	
117	Wally Boguski	
118	Miguel Martinez	
119	John Kowalchuk	
120	Ramon Perra	
121	Aline Hermiston	
122	Alfonso Daco	
123	Bob Butler	

**AZTEC UNCONFIRMED SHARE HOLDER LIST**

**SHAREHOLDERS**

B.F.I. Financial Inc.
Butler, Gail
Butler, R. W. & Eileen
Butler, Sarah
Grupo Azteca SA
Weigel, Darrel
Werenka, Alice
Chamberlain International Corp. Inc. S.A. de C.V

# **Exhibit 4**

**From:** Keith Beauchamp  
**To:** Stephen C. Snyder  
**Cc:** Stephen Rich; Roopali Desai  
**Subject:** RE: Aztec Copper Inc. - Fierce Investments Ltd.  
**Date:** Saturday, December 22, 2018 4:07:00 PM

Mr. Snyder,

Your email below says nothing about Aztec producing its books and records in Arizona to my client, as ordered by the Court. The December 14, 2018 deadline for doing so has come and gone. We will ask the Court to take appropriate action, including holding Aztec and its directors and officers in contempt. I respectfully submit, in the meantime, that your clients should meet that obligation.

With respect to the depositions, we decline to travel to Edmonton to take these depositions. The Court ordered that they take place here. We obtained that order only after expending substantial funds and effort, and overcoming the attempts of Mr. Arnold and Ms. Reeves to avoid their obligations as directors and officers of an Arizona corporation. The vague information you have provided as to some "uncertainty" about whether Mr. Arnold can travel in early January due to some unstated recent "procedure" is not sufficient to excuse his attendance. If he truly has a medical reason why he cannot travel, please provide an appropriate level of explanation to support that request, which would include a note from his physician stating why he cannot travel in that period, and advising when he would be able to travel. Ms. Reeves' obligation to appear for her deposition is unrelated to Mr. Arnold's obligation, and we expect her to appear.

Regards,

Keith Beauchamp

**From:** Stephen C. Snyder [mailto:ssnyder@snyder.ca]  
**Sent:** Tuesday, December 18, 2018 10:30 AM  
**To:** Keith Beauchamp <KBeauchamp@cblawyers.com>  
**Cc:** Stephen Rich <scr@srichlaw.com>  
**Subject:** Aztec Copper Inc. - Fierce Investments Ltd.

I refer to your correspondence of the 11<sup>th</sup> of December.

With respect to the contents thereof I would advise as follows:

1. Dealing first of all with the proposed date of the depositions, I should indicate that Ron



Arnold has recently undergone a surgical procedure. As at the time of dictation hereof, I am uncertain as to his ability to travel. If that is a problem, are you amenable to coming to Edmonton to examine him?

2. Were you to come to Edmonton, it would make sense for you to examine Ms. Reeves at the same time.
3. I am enclosing herewith a list of the shareholders of Aztec which has been prepared on the basis of the most recent information known to Mr. Arnold and Ms. Reeves.

I look forward to hearing from you at your early convenience, and remain,

Yours truly,

**Stephen C. Snyder**

**Managing Partner**

#2500 Sun Life Place, 10123 - 99 Street

Edmonton, AB, T5J 3H1

Tel: 780-426-4133 Fax: 780-424-1588

[ssnyder@snyder.ca](mailto:ssnyder@snyder.ca) <http://snyder.ca>

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# **Exhibit 5**

**S N Y D E R**  
**& ASSOCIATES LLP**

BARRISTERS & SOLICITORS

#2500 SUN LIFE PLACE, 10123 - 99 STREET, EDMONTON AB T5J 3H1

PHONE: 780-426-4133 • FAX: 780-424-1588

WEB SITE: WWW.SNYDER.CA

**Stephen C. Snyder** Barrister & Solicitor  
E-Mail: [ssnyder@snyder.ca](mailto:ssnyder@snyder.ca)

Your Ref.

Our Ref.

114023/SCS

December 27, 2018

WITHOUT PREJUDICE

Coppersmith Brockelman PLC  
2800 N. Central Ave.  
Suite 1900  
Phoenix, AZ 85004

via email : [kbeauchamp@cblawyers.com](mailto:kbeauchamp@cblawyers.com)

Attention : Keith Beauchamp

Dear Sir:

**Re: Aztec Copper Inc. – Fierce Investments Ltd.**

I refer to your note of the 22<sup>nd</sup> of December, 2018.

With respect to the contents thereof I would comment as follows:

1. To the best of my knowledge, Aztec Copper Inc. has been inactive for many years. The only "records" with which I am familiar are those which were forwarded to you together with my correspondence of the 7<sup>th</sup> of June, 2018, a copy of which (absent enclosures) is enclosed herewith for ease of reference. To the best of my knowledge, Aztec has no "books". Similarly, to the best of my knowledge, it has no "records". The material which it does have has been forwarded to you, and was received by you long before you obtained the Order in question much less the December 14, 2018 deadline to which you make reference. If there is something else to which you can make explicit reference which you are seeking I would be very pleased to receive that information from you. In the meantime, Aztec Copper Inc. and its directors take the position that they have complied fully with any Orders or instructions provided by the court in this matter.
2. I have noted your advice that you "decline to travel to Edmonton to take these depositions." I have further noted your advice that "the court ordered that they take place here." The court order to which you make reference was prepared by yourself, without any prior consultation with Aztec Copper, its legal counsel, or its directors. Had you made such contact, which in my experience is common courtesy, you would have been advised of Mr. Arnold's medical

# SNYDER & ASSOCIATES LLP

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concerns. I will see what I can do about obtaining for you the medical documentation which you have requested.

3. I have noted and am surprised by your comments concerning Ms. Reeves. As you noted in your previous correspondence, the date you selected for her examination, as with Mr. Arnold, was done without any prior notice to or consultation with her, or her legal counsel. I understand that it is occasionally necessary to obtain an order setting a date for examinations when counsel are unable to agree. In our situation, we had no opportunity to participate in any way in the timing of the proposed examination. It was determined by you, entirely arbitrarily and unilaterally.
4. Finally, I have noted your advice that you will "ask the court to take appropriate action, including holding Aztec and its directors and officers in contempt." Self-evidently, I cannot prevent you from taking such a step. Should you do so, however, counsel to Aztec will certainly advise the court of both the material which has been provided to you and the timing thereof.

I am at something of a loss to understand the approach you are taking in this matter. As previously stated, if there is a specific piece of information which you are seeking I would be pleased to be apprised thereof.

I will be in further contact with you shortly.

Yours truly

SNYDER & ASSOCIATES LLP

Per:

Stephen C. Snyder

SCS/cij

**SNYDER**  
& ASSOCIATES LLP

BARRISTERS & SOLICITORS

#2500 SUN LIFE PLACE, 10123 - 99 STREET, EDMONTON AB T5J 3H1  
PHONE: 780-426-4133 • FAX: 780-424-1588  
WEB SITE: WWW.SNYDER.CA

**Stephen C. Snyder** Barrister & Solicitor  
E-Mail: [ssnyder@snyder.ca](mailto:ssnyder@snyder.ca)

COPY

Your Ref.

Our Ref.

114023/SCS

June 7, 2018

Coppersmith Brockelman PLC  
2800 N. Central Ave.  
Suite 1900  
Phoenix, AZ 85004

via email : [kbeauchamp@cblawyers.com](mailto:kbeauchamp@cblawyers.com)

Attention : Keith Beauchamp

Dear Sir:

**Re: Aztec Copper Inc.**

I refer to our previous correspondence. Pursuant to instructions from my client I am enclosing herewith the following:

1. Corporation Annual Report & Certificate of Disclosure due November 26, 2002;
2. Corporation Annual Report & Certificate of Disclosure due November 26, 2003;
3. Corporation Annual Report & Certificate of Disclosure due November 26, 2004;
4. Corporation Annual Report & Certificate of Disclosure due November 26, 2005;
5. Corporation Annual Report & Certificate of Disclosure due November 26, 2006;
6. Corporation Annual Report & Certificate of Disclosure due November 26, 2007;
7. Corporation Annual Report & Certificate of Disclosure due November 26, 2008;
8. Corporation Annual Report & Certificate of Disclosure due November 26, 2009;
9. Corporation Annual Report & Certificate of Disclosure due November 26, 2010;
10. Corporation Annual Report & Certificate of Disclosure due November 26, 2011;
11. Corporation Annual Report & Certificate of Disclosure due November 26, 2012;
12. Corporation Annual Report & Certificate of Disclosure due November 26, 2013;
13. Corporation Annual Report & Certificate of Disclosure due November 26, 2014;
14. Corporation Annual Report & Certificate of Disclosure due November 26, 2015;
15. Corporation Annual Report & Certificate of Disclosure due November 26, 2016;
16. Corporation Annual Report & Certificate of Disclosure due November 26, 2017.

With respect to the shares that appear, at one point, to have been registered in the name of Fierce, I have had the opportunity to review several items of correspondence authored by one Glen D. Harder, the principal of Harder & Company, whom, I understand, was legal counsel to Fierce as well as

# SNYDER & ASSOCIATES LLP

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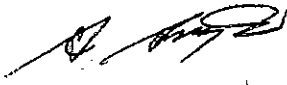
several other companies in which Fierce had an interest. In Mr. Harder's correspondence of the 1<sup>st</sup> of April, 2011, which is self-described as a "brief written summary of the results of the corporate review of Aztec undertaken by Harder & Company ...", Mr. Harder indicates that "...Fierce voluntarily cancelled its 40,000,000 Aztec shares and no longer has an equity position or management influence in Aztec." The same Mr. Harder, in a document entitled "Aztec Copper Inc. March 2011 Update", states "in addition, in a concurrent act of good faith, Fierce voluntarily cancelled its 40,000,000 Aztec shares and no longer has an equity position or management influence in Aztec". The foregoing appears to be the explanation for the disappearance of Fierce from the Annual Report & Certificate of Disclosure of Aztec from 2007 on.

I trust the foregoing is the information which you require. Please do not hesitate to contact me if I can be of further assistance.

Yours truly

SNYDER & ASSOCIATES LLP

Per:

  
Stephen C. Snyder

SCS/cij

Encls.

**Exhibit 6**

**Exhibit 6**

# SNYDER & ASSOCIATES LLP

BARRISTERS & SOLICITORS

#2500 SUN LIFE PLACE, 10123 - 99 STREET, EDMONTON AB T5J 3H1  
PHONE: 780-426-4133 • FAX: 780-424-1588  
WEB SITE: WWW.SNYDER.CA

**Stephen C. Snyder** Barrister & Solicitor  
E-Mail: [ssnyder@snyder.ca](mailto:ssnyder@snyder.ca)

Your Ref.

Our Ref.

114023/SCS

March 22, 2018

Coppersmith Brockelman PLC  
2800 N. Central Ave.  
Suite 1900  
Phoenix, AZ 85004

via email : [kbeauchamp@cblawyers.com](mailto:kbeauchamp@cblawyers.com)

Attention : Keith Beauchamp

Dear Sir:

**Re: Aztec Copper Inc.**

I refer to your correspondence of the 21<sup>st</sup> of March and my attempted telephone call to you on the morning of the 22<sup>nd</sup> of March.

In no particular order of priority, I would advise as follows:

1. I am counsel to Ron Arnold, Christine Reeves, and 1829752 Alberta Ltd. I have not been retained by the Arizona company, Aztec Copper Inc.
2. You have alleged that Fierce Investments Ltd. owns a significant interest in "Aztec". Are you suggesting that your client owns an interest in the Arizona company? Are you suggesting that your client owns a significant interest in the Alberta company? Please advise which of the two foregoing separate corporate entities your client is alleging an interest in.
3. If your client is alleging an interest in the Alberta company, please advise as to the manner in which your client alleges that it obtained that interest.
4. Your suggestion that the Alberta company has "refused to provide any information about how it came to be (according to you) to the successor to Aztec ..." is at odds with reality.
5. With the greatest respect to your Mr. Beauchamp, it seems to me that you are suffering from an inability to distinguish between the Arizona company and the Alberta company.
6. Self-evidently, Arizona courts do not have jurisdiction over an Alberta company which has not been extra-nationally registered in Arizona.

My client is not refusing to cooperate. My client is, however, asking that you identify, with precision, which of the two separate corporate entities you are alleging your client, Fierce, has an ownership interest. Further, if your allegation is that Fierce has an ownership interest in the Alberta company, please advise as to the manner in which that ownership interest was acquired.



SNYDER  
& ASSOCIATES LLP

---

BARRISTERS & SOLICITORS

Thanking you in advance for your anticipated cooperation herein, I remain,

Yours truly

SNYDER & ASSOCIATES LLP

Per: 

Stephen C. Snyder

SCS/cij

**Exhibit 7**

**Exhibit 7**

**SNYDER  
& ASSOCIATES LLP**

BARRISTERS & SOLICITORS

#2500 SUN LIFE PLACE, 10123 - 99 STREET, EDMONTON AB T5J 3H1

PHONE: 780-426-4133 • FAX: 780-424-1588

WEB SITE: WWW.SNYDER.CA

**Stephen C. Snyder** Barrister & Solicitor  
E-Mail: [ssnyder@snyder.ca](mailto:ssnyder@snyder.ca)

Your Ref.

Our Ref.

114023/SCS

December 31, 2018

**WITHOUT PREJUDICE**

Coppersmith Brockelman PLC  
2800 N. Central Ave.  
Suite 1900  
Phoenix, AZ 85004

via email : [kbeauchamp@cblawyers.com](mailto:kbeauchamp@cblawyers.com)

Attention : Keith Beauchamp

Dear Sir:

**Re: Aztec Copper Inc. – Fierce Investments Ltd.**

I refer to our recent exchange of correspondence.

I have spoken with Mr. Arnold and am advised that he is scheduled to meet with his physician this Friday, the 4<sup>th</sup> of January. Once that consultation has been completed I will have a better idea of when and if he will be able to travel.

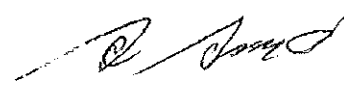
I would repeat my offer to make both Mr. Arnold and Ms. Reeves available at a mutually convenient time here in Edmonton and would request that you reconsider your position in this matter. In any event, I will be in further contact with you early next week.

I trust you will find the foregoing to be in order.

Yours truly

SNYDER & ASSOCIATES LLP

Per:

  
Stephen C. Snyder

SCS/cij

# **Exhibit 8**

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

FIERCE INVESTMENTS LTD.,

Plaintiff,

vs.

AZTEC COPPER INC., an Arizona  
corporation; RON ARNOLD, an  
individual; and CHRISTINE REEVES,  
an individual,

Defendants.

No.

CV2018-003675

SCHEDULED DEPOSITION OF RON ARNOLD

Phoenix, Arizona

January 2, 2019

Prepared by:  
Meri Coash, RMR, CRR  
Certified Reporter  
Certification No. 50327

1 THE DEPOSITION OF RON ARNOLD  
2 was scheduled for January 2, 2019, commencing at 9:00 a.m.  
3 at the law offices of Coppersmith Brockelman PLC, 2800  
4 North Central Avenue, Suite 1900, Phoenix, Arizona, before  
5 Meri Coash, a Certified Reporter in the State of Arizona.

6

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\* \* \*

9 APPEARANCES:

10 For the Plaintiff:  
11 COPPERSMITH BROCKELMAN PLC  
12 By: Keith Beauchamp, Esq.  
13 2800 North Central Avenue  
14 Suite 1900  
15 Phoenix, Arizona 85004  
16 602-381-5490  
17 kbeauchamp@cblawyers.com  
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## 1 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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MR. BEAUCHAMP: So it's 9:00 a.m. We are here for the deposition of one of the directors and officers of Aztec Copper as ordered by the Court in its judgment on December 4, 2018. The deponent has not arrived. We will wait 30 minutes or so and see if the deponent appears.

(A recess ensued.)

MR. BEAUCHAMP: We are back on the record. It's 9:31, according to my clock. The deponent has not appeared, so we will adjourn the deposition for today and seek relief from the Court.

(The proceedings were concluded at 9:31 a.m.)

1 STATE OF ARIZONA )  
COUNTY OF MARICOPA )

2  
3 BE IT KNOWN that the foregoing proceedings  
4 were taken before me; that the foregoing pages are a full,  
5 true, and accurate record of the proceedings all done to  
6 the best of my skill and ability; that the proceedings  
7 were taken down by me in shorthand and thereafter reduced  
8 to print under my direction.

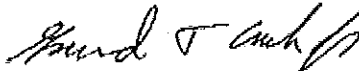
9  
10 I CERTIFY that I am in no way related to any  
11 of the parties hereto nor am I in any way interested in  
12 the outcome hereof.

13  
14 I CERTIFY that I have complied with the  
15 ethical obligations set forth in ACJA 7-206(F)(3) and  
16 ACJA 7-206 (J)(1)(g)(1) and (2). Dated at Phoenix,  
17 Arizona, this 4th day of January, 2019.

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Meri Coash, RMR, CRR  
Certified Reporter  
Arizona CR No. 50327

I CERTIFY that Coash & Coash, Inc., has  
complied with the ethical obligations set forth in  
ACJA 7-206 (J)(1)(g)(1) through (6).



COASH & COASH, INC.  
Registered Reporting Firm  
Arizona RRF No. R1036



**Exhibit 9**

**Exhibit 9**

**SNYDER  
& ASSOCIATES LLP**

BARRISTERS & SOLICITORS

#2500 SUN LIFE PLACE, 10123 - 99 STREET, EDMONTON AB T5J 3H1

PHONE: 780-426-4133 • FAX: 780-424-1588

WEB SITE: WWW.SNYDER.CA

**Stephen C. Snyder** Barrister & Solicitor  
E-Mail: [ssnyder@snyder.ca](mailto:ssnyder@snyder.ca)

Your Ref.

Our Ref.

114023/SCS

January 10, 2019

Coppersmith Brockelman PLC  
2800 N. Central Ave.  
Suite 1900  
Phoenix, AZ 85004

via email : [kbeauchamp@cblawyers.com](mailto:kbeauchamp@cblawyers.com)

Attention : Keith Beauchamp

Dear Sir:

**Re: Aztec Copper Inc. – Fierce Investments Ltd.**

I am enclosing herewith a copy of correspondence from Gateway Medical Clinic, forwarded over the signature of Dr. Doug McCarty. The same is self-explanatory.

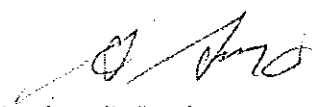
We would very much like to facilitate your immediate examination of Ron Arnold and Chris Reeves. Would you be amenable to proceeding by way of a video hookup?

I look forward to your early reaction hereto, and remain,

Yours truly

SNYDER & ASSOCIATES LLP

Per:

  
Stephen C. Snyder

SCS/cij

Encl.

**GATEWAY**  
Medical Clinic

Dr. Robert T.M. Carter | Dr. James Wong | Dr. Greg Keough  
Dr. Doug McCarty | Dr. Peter Perreault  
South Park Centre | 179-2011-3401 | Calgary, T2B 1T6 | T: (403) 243-1111  
F: (403) 243-1112  
Direct Phone Line for Reception: (403) 243-1113

January 09, 2019

To Whom It May Concern:

Re: Arnold, Ronald  
16211 89 Street  
Edmonton, AB  
T5Z 3M3

D.O.B: Sep 15, 1948  
PHN:  
PH: (780) 991-5438  
(780) 473-2391

Due to ongoing health issues we have advised this patient not to travel for at least six months until all investigations and issues are resolved.

With kindest regards,

  
Dr. Doug McCarty