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

13 FIERCE INVESTMENTS LTD.,) No. CV2018-003675
14 Plaintiff,)
15 v.) **JOINT STATUS REPORT**
16 AZTEC COPPER INC., an Arizona) (Assigned to Hon. Daniel J. Kiley)
17 corporation; RON ARNOLD, an individual;)
18 and CHRISTINE REEVES, an individual,) (Telephonic Status Conference set for
19 Defendants.) June 18, 2019 at 11:30 am)
20)
21)

22 In advance of the telephonic status conference set for June 18, 2019 at 11:30 a.m.,
23 Plaintiff Fierce Investments, Ltd. (“Fierce”), and Defendants Aztec Copper, Inc. (“Aztec”),
24 Richard Arnold and Christine Reeves provide the following information for the Court’s
25 consideration. By minute entry dated May 16, 2019, this Court set a telephonic status
26 conference for June 18, 2019. (The time of the status conference was reset by a minute entry
dated May 21, 2019). The purpose of the status conference is “to discuss the scheduling of
further proceedings.”

1 For the reasons set forth below, the parties do not believe that further proceedings need
2 be scheduled at this time. This books and records case was initiated in March 2018. A default
3 judgment was entered against Aztec on December 4, 2018. Defendant Arnold answered the
4 Complaint in April 2019, and Defendant Reeves answered the Complaint in May 2019.

5 Fierce sued Aztec in a second action in this Court, *see* CV2018-006866 (“the
6 Shareholder Meeting Case”). A default judgment was entered against Aztec in the Shareholder
7 Meeting Case on December 4, 2018. The default judgments entered in both cases directed
8 Aztec to produce documents and make Mr. Arnold and Ms. Reeves available for depositions.

9 Fierce filed a Motion for Contempt on March 20, 2019 in this action and filed a similar
10 Motion for Contempt in the Shareholder Meeting Case. In each case, Defendant Aztec filed a
11 Response, and Fierce filed a Reply.

12 Fierce also filed a Verified Complaint for Appointment of Receiver in this Court on
13 March 29, 2019, CV2019-005943 (“the Receivership Action”). The Receivership action was
14 assigned to the Honorable Christopher Whitten, who was also presiding over the Shareholder
15 Meeting Case.

16 At a hearing on April 19, 2019, based in part on stipulations made in open court by the
17 parties, Judge Whitten ordered “that the two motions for contempt in CV2018-003675 and
18 CV2018-006866, respectively, are denied as moot, without prejudice to them being refiled.”
19 (A copy of the April 19, 2019 Minute Entry is attached as Exhibit 1). Judge Whitten also
20 “grant[ed] the order appointing the receiver for the limited purpose of ensuring compliance
21 with the judgments in CV2018-003675 and CV2018-006866, subject to an appropriate order
22 being submitted to the Court.” (*Id.* at 2) On May 16, 2019, Judge Whitten entered an Order
23 Appointing Receiver, a copy of which is attached as Exhibit 2. Among other things, the Order
24 Appointing Receiver calls for the Receiver to issue notice to shareholders and hold a
25 shareholder meeting by approximately June 25, 2019.

1 As a result of the various orders entered by Judge Whitten and the default judgment
2 entered in this action, Aztec provided electronic copies of its books and records to Fierce on
3 May 24, 2019. Fierce (and the Receiver) are reviewing those records, but do not currently
4 have any discovery or other disputes necessitating this Court's attention. Fierce has asked to
5 review originals of certain records, and has not yet reached agreement with Aztec on that issue.
6 Moreover, Fierce reserves the right to file further motions in this action with respect to
7 discovery or other matters, and reserves the right to revive its Motion for Contempt. But, at
8 this time, and in the immediately foreseeable future, there are no items requiring the Court's
9 attention, and there may well be no such items.

10 Accordingly, the parties respectfully request that the Court set another status conference
11 in approximately July or August 2019, at which time the parties will have more clarity as to
12 whether future proceedings need be scheduled in this case.

13 Respectfully submitted this 11th day of June, 2019.

14 **COPPERSMITH BROCKELMAN PLC**

15 By /s/ Keith Beauchamp
16 Keith Beauchamp
17 Roopali H. Desai
18 *Attorneys for Plaintiff*

19 **STEPHEN C. RICH, PLLC**

20 By /s/ Stephen Rich (w/ permission)
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1 ORIGINAL efiled on June 11, 2019.

2 COPY mailed June 11, 2019, to:

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7
8 /s/ Shelly L. Mondavi

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