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7 Attorneys for Receiver MCA Financial Group, Ltd.

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12 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**
13 **IN AND FOR THE COUNTY OF MARICOPA**

14 FIERCE INVESTMENTS, LTD.,

15 Plaintiff,

16 vs.

17 AZTEC COPPER, INC., an Arizona
18 Corporation,

19 Defendant.

Case No. CV2018-006866
Case No. CV2019-005943

STATEMENT OF POSITION

(Assigned to the Hon. Christopher Whitten)

20 Pursuant to this Court's Minute Entry, dated June 28, 2019, the Receiver, MCA
21 Financial Group, Ltd., acting by and through its Senior Managing Director, Keith Bierman
22 hereby responds to the Court's invitation to provide input relating to the setting of a
23 shareholder meeting and the inspection of the books and records of Aztec Cooper, Inc.
24 ("Aztec").

25 The Receiver agrees that the status of Fierce Investments, Ltd.'s ("Fierce") Aztec
26 stock ownership should be resolved before the Receiver holds the proposed shareholder
meeting. The Receiver has been ordered to preside over a shareholder meeting and to
conduct any sort of business that requires voting. As such, in order to conduct a valid,
effective vote the Receiver will need to understand the status of the voting rights of the

1 shareholders before the shareholder meeting is held. Otherwise, any vote may be
2 immediately challenged as unenforceable and the Receiver's efforts will be wasted.

3 Accordingly, the Receiver requests that the Court decide Fierce's interest in Aztec's
4 shares and order that the Receiver shall preside over the shareholder meeting and serve as
5 the Election Inspector as provided in Section 3.11 of the Bylaws.

6 RESPECTFULLY SUBMITTED this 11th day of July, 2019.

7 QUARLES & BRADY LLP

8
9 By: /s/ .W. Scott Jenkins, Jr.
10 W. Scott Jenkins, Jr.
11 Molly J. Kjartanson
12 Attorneys for Receiver

13 **COPIES** e-mailed and/or mailed
14 This 11th day of July, 2019, to:

15 Keith Beuchamp, Esq.
16 Roopali H. Desai, Esq.
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25 Attorney for Defendant
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/s/ Denise M. Cockrell

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15 Corporation,
16 Defendant.

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NOTICE OF APPEARANCE

(Assigned to the Hon. Christopher Whitten)

17 The law firm of Quarles & Brady LLP, by and through W. Scott Jenkins, Jr. and
18 Molly J. Kjartanson, hereby enters its appearance for Receiver, MCA Financial Group,
19 Ltd., acting by and through its Senior Managing Director, Keith Bierman, in the above-
20 entitled action.

21 RESPECTFULLY SUBMITTED this 11th day of July, 2019.

22 QUARLES & BRADY LLP

23
24 By: /s/ W. Scott Jenkins, Jr.
25 W. Scott Jenkins, Jr
26 Molly J. Kjartanson
 Attorneys for Receiver

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This 11th day of July, 2019, to:

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/s/ Denise M. Cockrell