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7
8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10
11 KIMBERLY HEROLD, an individual;

12 Plaintiff,

13 vs.

14 MARY ALLRED and JOHN ALLRED, a
15 married couple; and BETTY BERAN and
16 WILLIAM BERAN, a married couple;

17 Defendants.

Case No.: CV2017-052810

**PLAINTIFF'S FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS BETTY BERAN
AND WILLIAM BERAN**

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20 **TO: DEFENDANTS BETTY BERAN AND WILLIAM BERAN AND THEIR**
21 **ATTORNEYS OF RECORD:**

22 Pursuant to Ariz. R. Civ. P. 36, you are hereby requested to respond to the following Requests
23 for Admission. Each of the matters of which an admission is requested is admitted unless,
24 within thirty (30) days after service of these Requests, the party to whom these Requests are
25 directed serves upon the party requesting the admission a written answer or objection addressed
26 to the matter, signed by the party or by his attorney.

1 INSTRUCTIONS

2 1. If objection is made, the reasons therefore shall be stated. The answer shall
3 specifically deny the matter or set forth in detail the reasons why the answering party cannot
4 truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested
5 admission, and when good faith requires that a party qualify his answer or deny only a part of
6 the matter of which an admission is requested, he shall specify so much of it as is true and
7 qualify or deny the remainder. An answering party may not give lack of information or
8 knowledge as a reason for failure to admit or deny unless he states that he has made reasonable
9 inquiry and that the information known to or readily obtainable by him is insufficient to enable
10 him to admit or deny. A party who considers that a matter of which an admission has been
11 requested presents a genuine issue for trial may not, on that ground alone, object to the Request.

12 2. The answers to these requests shall include knowledge of the parties to whom this
13 Request is directed, their attorneys, all agents, servants, representatives, investigators and others
14 who may have obtained information on behalf of those parties or their attorneys.

15 3. Each party to whom this Request is directed is required seasonably to supplement
16 his response with respect to any question directly addressed to the identity and location of
17 persons having knowledge of discoverable matters and the identity of each person expected to
18 be called as an expert witness at the trial, the subject matter on which he is expected to testify
19 and the substance of his testimony. The party to whom this Request is directed is required
20 seasonably to amend a prior response if he obtains information the basis of which he knows that
21 the response was incorrect when made or he knows that the response, though correct when
22 made, is no longer true and the circumstances are such that a failure to amend a response is in
23 substance a knowing concealment.

24 4. When an individual Request calls for an answer, which includes more than one
25 part, each part of the answer should be clearly set out so that it is understandable. Where the
26 terms "you," "plaintiff," "defendant," or any other designation for a party are used, they are
27 meant to include every individual part, and separate answers should be given for each person
28 named as a party, if requested.

1 obtained, translated through detection devices into reasonably usable form when translation is
2 practicably necessary, and includes, as defined by Rule 1001, Arizona Rules of Evidence,
3 “writings and recordings,” “photographs,” “originals,” and “duplicates.” This term also includes
4 copies or reproductions of an original document when the copy or reproduction is anything other
5 than an exact duplicate of the original. “Document” includes a draft of any document that
6 differs in any way from the final version thereof.

7 8. The terms “concern,” “discuss,” “refer to” or “relate to” shall include all
8 documents, as defined above, which explicitly or implicitly, in whole or in part, compare, were
9 received in conjunction with, or were generated as a result of the subject matter of the request,
10 including without limitation, all documents, as defined above, which reflect, record,
11 memorialize, describe, consider, concern, constitute, discuss, embody, evaluate, analyze, review,
12 report on, comment on, impinge upon or impact the subject matter of the request.

13 **REQUESTS FOR ADMISSION**

14 **REQUEST NO. 1:** Admit that **you** served as **Allred’s** agent in connection with the sale of
15 **Hubbell to Herold** in 2016.

16 ADMIT _____ DENY _____

17
18 **REQUEST NO. 2:** Admit that **you** were aware, prior to December 2016, that **Hubbell** was
19 returned to **Allred** in 2013 was because of an injury he suffered.

20 ADMIT _____ DENY _____

21
22 **REQUEST NO. 3:** Admit that **you** did not disclose that **Hubbell** was returned to **Allred** for
23 free in 2013 to **Herold** before **Herold** purchased **Hubbell**.

24 ADMIT _____ DENY _____

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26 **REQUEST NO. 4:** Admit that **you** did not disclose **Hubbell’s** 2013 injury to **Herold** before
27 she purchased **Hubbell**.

28 ADMIT _____ DENY _____

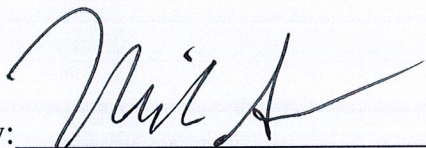
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REQUEST NO. 5: Admit that **you** did not disclose to **Herold** that **Hubbell** had any lameness issues before she purchased **Hubbell**.

ADMIT _____ DENY _____

DATED this 9th day of May, 2017.

COMITZ | BEETHE, PLLC

By: 
Michael F. Beethe
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6720 N. Scottsdale Road, Suite 150
Scottsdale, Arizona 85253
Attorneys for Plaintiff

ORIGINAL emailed and mailed on this 9th day of May, 2017, to:

Adam Trenk, Esq.
Lauren Reynolds, Esq.
Rose Law Group, PC
7144 East Stetson Drive, Suite 300
Scottsdale, AZ 85251

By: 