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*Attorneys for Defendant Big Brothers Big
Sisters of Central Arizona*

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

MAUREEN GAUGHAN, bankruptcy
trustee, for and on behalf of JOHN CD
DOE, a single man,

Plaintiff,

v.

BIG BROTHERS BIG SISTERS OF
AMERICA, a District of Columbia, non-
profit corporation; BIG BROTHERS BIG
SISTERS OF CENTRAL ARIZONA, an
Arizona corporation; JOHN DOE 1-100;
JANE DOE 1-100; and BLACK & WHITE
CORPORATIONS 1-100,

Defendants.

NO. CV2020-014920

**DEFENDANTS' RESPONSE IN
OPPOSITION TO JOHN CD DOE'S
"LIMITED MOTION TO CORRECT
THE RECORD, VACATE
SETTLEMENT-BASED INACTIVE
STATUS, RESTORE CASE TO
ACTIVE CALENDAR, AND
REINSTATE PRETRIAL/TRIAL-
SETTING CONFERENCE"**

AND

**MOTION TO STRIKE PURSUANT
TO ARIZ. R. CIV. P. 7.1(F)**

(Assigned to Hon. Christopher Whitten)

Defendants Big Brothers Big Sisters of America ("BBBSA") and Big Brothers Big
Sisters of Central Arizona ("BBBSCA") (collectively, "Defendants") respond in opposition
to non-party David Campbell's ("Campbell") *Limited Motion to Correct the Record, Vacate
Settlement-Based Inactive Status, Restore Case to Active Calendar, and Reinstate*

1 *Pretrial/Trial-Setting Conference* (the “Motion”).

2 The Motion is groundless because Campbell is not a party to this case and cannot
3 assert any interest in this litigation. The claims at issue in this case are the property of the
4 named plaintiff, bankruptcy trustee Ms. Gaughan. Defendants also move to strike the
5 Motion pursuant to Arizona Rule of Civil Procedure 7.1(f) because Campbell is not a party
6 to this case and his Motion is not authorized by any Rule or statute.

7 **I. CAMPBELL IS NOT A PARTY TO THIS CASE AND HAS DISCLAIMED**
8 **ANY OWNERSHIP IN THE CLAIMS IN THIS LITIGATION.**

9 As this Court is aware, former-plaintiff Campbell filed for bankruptcy protection in
10 2009 and 2017. *See* Status Report Regarding Bankruptcy Court Status and Bankruptcy
11 Hearing Set for May 14, 2025 filed on May 2, 2025. On February 21, 2025, the United
12 States Bankruptcy Court for the District of Arizona (the “Bankruptcy Court”) re-opened
13 Campbell’s bankruptcy cases and appointed current-plaintiff Maureen Gaughan
14 (“Plaintiff”) as Chapter 7 Trustee over the bankruptcy estate (the “Bankruptcy Estate”). *Id.*

15 On May 15, 2025, the Bankruptcy Court held a continued hearing (the “Bankruptcy
16 Hearing”) on a motion for an order to stay the underlying tort claim (*i.e.*, the claim at issue
17 in this state-court litigation) (the “Claim”). *See* Minute Entry Order dated May 15, 2025
18 attached hereto as **Exhibit “A”** and incorporated herein by this reference. At the
19 Bankruptcy Hearing, Campbell appeared in his individual capacity and was represented by
20 attorney Warren Stapleton and the Osborn Maledon law firm. *Id.*

21 At the Bankruptcy Hearing, at the urging of Defendant BBBSCAZ, the Bankruptcy
22 Court questioned Campbell, who was present (through counsel), regarding his ownership
23 interest in the Claim. *Id.* Campbell’s counsel indicated to the Bankruptcy Court that
24 Campbell “understands that the claim belongs to the estate and the Trustee controls the
25 claim.” *Id.* at p.1. BBBSCAZ requested that Campbell declare that he agreed and had been
26 advised by independent counsel that he asserted no interest in the Claim. The following
27 exchange occurred as a result:

1 [0:18:59] Attorney Stapleton: If I can have five minutes with my client
2 just so that I make sure that he is fully cognizant of what we're doing and he
3 understands it, and hears it from his counsel, then I don't have any problem
4 with that.

5 [0:19:09] The Court: Okay. We have some conference rooms out there,
6 you can go ahead and grab one of those and I'll leave the bench. Let me know
7 when we're ready to resume.

8 . . .
9 [0:20:35] Attorney Stapleton: Alright, Your Honor. I think, before we
10 broke the question was "will Mr. Campbell agree and waive on the record
11 that this is, that essentially he is agreeing that this is a claim owned by the
12 estate" and we agree and waive, and that's a decision today, in other words,
13 he's been advised, and we've talked about it, and it will be reflected on the
14 record that he's been advised in the time between, whatever it was, 1:50 and
15 2:00 p.m. And so we are agreeable to saying the Estate owns it, the Estate
16 controls it, and we're going to participate in the bankruptcy process as the
debtor would ordinarily under 11-726.

17 [0:21:22] The Court: Based on that waiver, I will not set a deadline for a
18 filing of a motion to determine the ownership, which I would have otherwise
19 done had you not stipulated that the Debtor agrees he doesn't hold any
20 interest in the claims that are being asserted against Big Brothers Big Sisters,
21 except for to the extent he might receive something from the Estate at the
22 back end.

23 Audio Hearing of May 15, 2025 Bankruptcy Hearing attached hereto as **Exhibit "B"** and
24 incorporated herein by this reference.

25 As a result of the Bankruptcy Court's finding that the Claims are property of the
26 Bankruptcy Estate, then-plaintiff Campbell amended the Complaint to substitute Plaintiff
27 Maureen Gaughan, Trustee, as the Plaintiff in this matter, which was approved by this
28 Court. See Minute Entry dated September 17, 2025 attached hereto as **Exhibit "C"** and
which is incorporated herein by this reference.

Accordingly, as of September 17, 2025, Campbell ceased to be a party to this
litigation.

26 **II. THE COURT SHOULD STRIKE AND DENY THE MOTION.**

27 First, the Court should strike the Motion under Ariz. R. Civ. P. 7.1(f). Under that
28 Rule, the Court may strike a filing or submission that is "prohibited, or not authorized, by

1 a specific statute, rule, or court order.” The Motion is precisely such a filing or submission.
2 Campbell is not a party and has no standing file the Motion.

3 Campbell’s Motion acknowledges that Campbell is filing the Motion “solely on his
4 own behalf” (*i.e.*, not on behalf of the Plaintiff or the Bankruptcy Estate) and does not
5 purport to exercise the Trustee’s authority. [Motion at pp. 1-2]. His signature on the Motion
6 identifies Campbell as an “Interested Individual, appearing solely on his own behalf.” *Id.* at
7 p. 7.

8 Despite not being a party to the case, Campbell asks the Court to vacate the inactive-
9 calendar deadline, restore the Trustee’s action to the active calendar, reinstate the
10 pretrial/trial-setting conference, and prevent dismissal of the Trustee’s claims. *Id.* at p. 6.
11 Importantly, Campbell has not intervened pursuant to Ariz. R. Civ. P. 24, has not sought or
12 obtained leave to participate as a party, and identifies no rule, statute, or order authorizing
13 a non-party to obtain such affirmative relief.

14 Because Campbell is not a party, and because he does not own or control the claims
15 at issue in this case, to the extent that the Court does not strike the Motion, the Court should
16 deny the Motion. It does not matter that Campbell is personally dissatisfied with the
17 settlement between the parties. He has no legal control over this case and agreed that the
18 current Plaintiff Ms. Gaughan controls the claims in this case.

19 **III. CONCLUSION.**

20 For the reasons set forth above, Defendants jointly request that the Court strike the
21 Motion (and, if not stricken, deny the Motion). Because the Motion is also frivolous,
22 Defendants request that the Court order that Campbell pay their attorneys’ fees incurred in
23 responding to same pursuant to A.R.S. § 12-349 and Ariz. R. Civ. P. 11.

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1 RESPECTFULLY SUBMITTED this 13th day of October, 2026.

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5 By: /s/ Anthony F. Pusateri

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12 By: /s/ Lori V. Berke
13 Lori V. Berke

14 *Attorneys for Defendant Big Brothers*
15 *Big Sisters of America*

16 **ORIGINAL** of the foregoing efiled
17 via AzTurboCourt this 13th day of October, 2026.

18 **COPY** of the foregoing emailed
19 13th day of October, 2026, to:

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3 *Non-Party "John CD Doe"*

4
5 /s/ Jennifer Fortner

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EXHIBIT A



Dated: May 15, 2025

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

MINUTE ENTRY ORDER

Brenda K. Martin
Brenda K. Martin, Bankruptcy Judge

Hearing Information:

Bankruptcy Judge:	The Honorable Brenda K. Martin
Case Number:	2:09-bk-12121-BKM 2:17-bk-09863-BKM
Debtor(s):	DAVID CAMPBELL DAVID LEONARD CAMPBELL
Chapter:	7
Date and Time:	05/14/2025 1:30 PM
Location(s):	VIDEO/701
Courtroom Clerk:	Jennifer Lowry
Electronic Court Recording Operator:	Leticia Romero

Matter(s):

CONTINUED HEARING ON MOTION FOR AN ORDER TO STAY UNDERLYING TORT CLAIM

Appearances:

WARREN J. STAPLETON, ATTORNEY FOR DAVID CAMPBELL
ANTHONY PUSATERI, ATTORNEY FOR BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA
JOHN O'NEAL, ATTORNEY FOR BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA
DAWN MAGUIRE, ATTORNEY FOR TRUSTEE MAUREEN GAUGHAN
ROBERT PASTOR, SPECIAL COUNSEL FOR TRUSTEE GAUGHAN
MICHAEL DAOUDI, SPECIAL COUNSEL FOR TRUSTEE GAUGHAN

Proceedings:

COURT: THE COURT NOTES THAT AT THE LAST HEARING MR. CAMPBELL WAS DIRECTED TO APPEAR AT TODAY'S HEARING, HOWEVER THE COURT WAS NOT ANTICIPATING THAT MR. CAMPBELL WAS COMING TO BE A WITNESS OR TO BE QUESTIONED UNDER OATH. THE COURT DIRECTED HIM TO APPEAR AND ADVISE AS TO WHETHER HE WAS ASSERTING ANY DIRECT OWNERSHIP IN THE STATE COURT CLAIMS AGAINST BBBS THAT THE TRUSTEE IS SEEKING TO ADMINISTER. IF SO, THE COURT INTENDED TO SET A BREIFING SCHEDULE. NOW THAT THE DEBTOR IS REPRESENTED BY COUNSEL IS SEEMS THE ONLY THING NEEDED IS FOR MR. STAPLETON TO AVOW THAT HIS CLIENT IS NOT ASSERTING A RIGHT DIRECTLY TO ANY OF THESE CLAIMS AND IS AGREEING AT THIS JUNCTURE THAT THE ESTATE OWNS THE CLAIMS.

Mr. Stapleton responds that the debtor understands that the claim belongs to the estate and the Trustee controls the claim. Mr. Campbell is not going to undo it. Mr. Stapleton states that there is no need for additional discovery.

Mr. O'Neal expresses his concerns on how this matter is proceeding. The debtor was and is represented in the Superior Court case by Mr. Pastor and Mr. Daoudi's law firm. Both of those lawyers have appeared in this case as counsel for the debtor.

COURT: THE COURT QUESTIONS IF IT WOULD ALLEVIATE MR. O'NEAL'S CONCERNS TO SET A DEADLINE BY WHICH THE DEBTOR COULD CONTEST THE ESTATE'S OWNERSHIP RIGHTS.

Mr. O'Neal responds that it would go a long way in curing the issues, if it was accompanied by a declaration by Mr. Campbell in which he states that he agrees and has been advised by independent counsel.

Mr. Stapleton states that the problem being raised is not a problem at this point. He presents his client's position and argues that the conflict issue is another avenue to delay adjudication on the merits.

COURT: THE COURT QUESTIONS IF MR. CAMPBELL WILL, ON THE RECORD, WAIVE ANY ARGUMENTS THAT THESE CLAIMS BELONG TO HIM AND NOT THE ESTATE.

Mr. Stapleton asks for a brief recess to confer with his client.

THE COURT TAKES A BRIEF RECESS

Mr. Stapleton states that the debtor agrees that this claim is owned by the estate and waives any arguments that the claim belongs to him.

COURT: BASED ON THE DEBTOR WAIVING HIS CLAIM OF OWNERSHIP, THE COURT WILL NOT ESTABLISH A DEADLINE FOR THE FILING OF A MOTION TO DETERMINE OWNERSHIP OF THE STATE COURT CLAIMS.

Mr. O'Neal questions if the automatic stay has been lifted and asks that the Court enter an order that says that to the extent that the automatic stay was or is in place, with respect to the Superior Court action, it is now lifted without prejudice to the estate's rights.

COURT: THE COURT FINDS AND CONCLUDES THAT THE AUTOMATIC STAY HAS NOT BEEN AND IS NOT CURRENTLY IN PLACE, AS THE CASE WAS REOPENED TO PURSUE A CAUSE OF ACTION THAT DOES NOT IMPLICATE THE AUTOMATIC STAY OF SECTION 362.

EXHIBIT B

**Audio Exhibit
to be submitted
separately**

EXHIBIT C

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-014920

09/17/2025

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
C. Lockhart
Deputy

JOHN C D DOE

ROBERT E PASTOR

v.

BIG BROTHERS BIG SISTERS OF AMERICA, LORI V BERKE
et al.

JOHN M O'NEAL
MICHAEL S DAOUDI
JUDGE WHITTEN

MINUTE ENTRY

The Plaintiff's Motion to Amend his Complaint, filed July 21, 2025, is fully briefed as of August 20, 2025 and pending. Given the clarity of the pleadings, there is no need for oral argument.

Plaintiff seeks to amend the Complaint to substitute Maureen Gaughan, trustee for the bankruptcy estates of John CD Doe, as the real party in interest. The Court finds that this substitution is appropriate under Rule 17(b)(3), Ariz. R. Civ. P.

However, the Plaintiff's proposed Second Amended Complaint does more than that. It includes numerous substantive changes beyond the trustee substitution, including new factual allegations and an entirely new cause of action. Plaintiff did not seek leave of court to make these additional changes, nor did he comply with Rule 15(a)(4), Ariz. R. Civ. P., which requires redlining to show changes from the prior pleading.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-014920

09/17/2025

ACCORDINGLY, IT IS ORDERED that Plaintiff's Motion to Amend is GRANTED IN PART and DENIED IN PART.

The motion is GRANTED to the extent it seeks to substitute Maureen Gaughan, trustee for the bankruptcy estates of John CD Doe, as Plaintiff.

The motion is DENIED as to all other proposed amendments, including any new factual allegations or causes of action not directly related to the trustee substitution.

IT IS FURTHER ORDERED that Plaintiff shall file a Revised Second Amended Complaint **within 21 days** of the date this Order is issued, reflecting only the permitted changes described above.