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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

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

**DEFENDANT BIG BROTHERS BIG
SISTERS OF CENTRAL ARIZONA'S
JOINER TO RESPONSE TO
MOTION TO AMEND COMPLAINT
IN THE NAME OF THE REAL
PARTY IN INTEREST AND
ADDITIONAL RESPONSE IN
OPPOSITION TO MOTION TO
AMEND COMPLAINT**

(Assigned to Hon. Christopher Whitten)

(Argument Requested)

Defendant Big Brothers Big Sisters of Central Arizona (“**Defendant**” or
“**BBBSCA**”) files this Response to the Plaintiff’s *Motion to Amend Complaint in the Name
of the Real Party in Interest* (the “**Motion to Amend**”).

CURRENT PROCEDURAL POSTURE

On December 26, 2024, Defendant filed its *Motion for Summary Judgment* (the
“**MSJ**”) with this Court, asserting that as a result of Plaintiff’s bankruptcies the claims in
this lawsuit were property of the bankruptcy estate(s), and not Plaintiff. On January 30,
2025, Plaintiff filed a *Motion To Re-Open Bankruptcies And Debtor’s Motion For An Order*

1 *To Stay Underlying Tort Claim* (the “**Motions to Reopen**”) in each of Plaintiff’s previously
2 closed bankruptcy cases.¹ In the Motions to Reopen, Plaintiff requested that the Bankruptcy
3 Court reopen Plaintiff’s Bankruptcy Cases so that the causes of action in this lawsuit could
4 be administered as part of Plaintiff’s bankruptcy estate(s). Plaintiff also requested that the
5 Bankruptcy Court order a stay of this litigation.² Importantly, the Bankruptcy Court has not
6 yet ruled whether the claims at issue in this Litigation are property of Plaintiff or of the
7 estate, which would vest prosecution of same with Maureen Gaughan, the Chapter 7
8 Bankruptcy Trustee in Plaintiff’s bankruptcy cases (the “**Trustee**”). Indeed, there is a
9 hearing set for May 14, 2025 in which evidence may be taken to address the ownership
10 issue. *See Minute Entry Order* from Bankruptcy Court dated April 23, 2025, attached hereto
11 as **Exhibit “A”**.

12 Meanwhile, believing that the automatic stay applied to this case, this Court issued
13 its minute entry on February 28, 2025 staying this case. The Court recently vacated that
14 order on April 23, 2025.

15 **MOTION TO AMEND, JOINDER TO RESPONSE,**
16 **AND ADDITIONAL OBJECTION**

17 On March 20, 2025, and notwithstanding this Court’s February 28, 2025 order
18 staying this case, Plaintiff filed the Motion to Amend. On March 26, 2025, Co-Defendant
19 Big Brothers Big Sisters of America (“**BBBSA**”) filed a *Response to Motion to Amend*
20 *Complaint* (the “**Response to Motion to Amend**”). BBBSA, however, did not respond to
21 the Motion to Amend because this case was stayed. Now that the stay has been lifted,
22 BBBSA hereby joins in the Response to Motion to Amend with respect to BBBSA’s

23 ¹ Plaintiff attached these pleadings to its *Response in Opposition to Defendant BBBS of*
24 *Central Arizona’s Motion for Summary Judgment* filed on February 24, 2024 (the “**MSJ**
25 **Response**”). BBBSA’s deadline to reply to the MSJ Response occurred during the Stay
26 Period (defined below). Accordingly, BBBSA has not yet replied in support of its MSJ,
and seeks a deadline from this Court by which it should respond.

27 ² Current counsel for Plaintiff also appeared in the bankruptcy cases as counsel for Plaintiff
28 as the debtor. Current counsel for Plaintiff subsequently agreed to represent the bankruptcy
trustee at the same time they represent Plaintiff. BBBSA reserves all rights and remedies
with respect to the bankruptcy matter and this case.

1 objections to Plaintiff's attempt to add additional factual allegations to the Complaint (*see*
2 Response to Motion to Amend, pp. 5–7).

3 In addition to the joinder set forth above, BBBSCA further asserts that the Motion
4 to Amend should be denied because Plaintiff's Motion to Amend is premature. The
5 Bankruptcy Court has not ruled as to the ownership of the claims at issue. As noted above,
6 the parties (including Plaintiff) are scheduled to appear before the Bankruptcy Court on
7 May 14, 2025. Until the Bankruptcy Court has held this hearing and ruled with respect to
8 who owns the claims, the Complaint should not be amended as requested through the
9 Motion to Amend.

10 **CONCLUSION**

11 For the reasons set forth herein, BBBSCA requests that the Court deny the Motion
12 to Amend in its entirety or, postpone ruling on the Motion to Amend pending the resolution
13 of the ownership issue in the bankruptcy court.

14 **RESPECTFULLY SUBMITTED** this 28th day of April, 2025.

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18 Phoenix, Arizona 85004-2322

19 By /s/ Anthony F. Pusateri

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21 Jeffrey D. Gardner

22 Anthony F. Pusateri

23 *Attorneys for Plaintiffs*
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1 **E-FILED** via AZ TurboCourt
2 this 28th day of April, 2025.

3 **COPY** of the foregoing served
4 via First Class mail and e-mail
5 this 28th day of April, 2025, to:

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Big Sisters of America

/s/ Dawn McCombs

Exhibit "A"



Dated: April 23, 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:	04/22/2025 2:30 PM
Location(s):	TEL
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:

ANTHONY PUSATERI, ATTORNEY FOR BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA
JOHN O'NEAL, ATTORNEY FOR BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA
MAUREEN GAUGHAN, INTERIM TRUSTEE
DAWN MAGUIRE, ATTORNEY FOR TRUSTEE MAUREEN GAUGHAN
ROBERT PASTOR, SPECIAL COUNSEL FOR TRUSTEE GAUGHAN
MICHAEL DAOUDI, SPECIAL COUNSEL FOR TRUSTEE GAUGHAN

Proceedings:

Ms. Maguire indicates that Mr. Campbell is not present as he has agreed to comply with his duties and has agreed that the Trustee will become the real party in interest in the State Court litigation. She states that Mr. Campbell signed the notice and the stipulated order. He had meetings with the Trustee and Mr. Pastor about his rights and his rights are as a debtor under 521 and those rights were explained to him. The Trustee's duties were also explained to him under 704 and that the Trustee is the real party in interest, and he has agreed to that and understands that. She presents the Trustee's position and discusses the defendants' objection. She argues that there is no secret agreement between the Trustee and the debtor and states that the Trustee is furious with the accusations that were put into a pleading against her.

Mr. O'Neal discusses the stipulated order and expresses his client's concerns. He informs the Court that Ms. Pusateri did not accuse the Trustee of having a secret agreement. Mr. Pusateri contacted Trustee's counsel to let them know that a limited objection was going to be filed. He states that he needs to understand from Mr. Campbell's perspective whether or not he thinks that there is something else that he needs to do or that he thinks he is getting something in exchange. He requests a continued hearing, at which Mr. Campbell would appear, or at a minimum file a declaration.

COURT: THE COURT IS SATISFIED THAT THERE IS NO SECRET AGREEMENT AND NO

SETTLEMENT WAS REACHED. HOWEVER, IT IS FAIR FOR THE PARTIES TO GET CLARITY ON THE RECORD REGARDING MR. CAMPBELL AND HIS STATING THAT HE IS ASSERTING HE HAS NO RIGHTS IN THIS LAWSUIT, EXCEPT FOR TO THE EXTENT THAT HE MIGHT GET SOMETHING OUT OF THE BANKRUPTCY AT A LATER DATE, AND THAT HE UNDERSTANDS THAT THE CLAIMS BELONG ONLY TO THE BANKRUPTCY ESTATE AND THAT HE IS CONCEDING THAT FOR ALL TIME.

IT IS ORDERED SETTING A CONTINUED HEARING VIA ZOOM AND IN PERSON ON WEDNESDAY MAY 14, 2025, AT 1:30 PM. MR. CAMPBELL IS ORDERED TO APPEAR AND BE QUESTIONED AND/OR TESTIFY ON THE RECORD CONFIRMING HIS UNDERSTANDING THAT PER HIS AGREEMENT WITH THE TRUSTEE, HE AGREES HE HOLDS NO CLAIMS AGAINST THE DEFENDANTS AND THAT ALL SUCH CLAIMS SET FORTH IN THE STATE COURT COMPLAINT BELONG SOLELY TO THE BANKRUPTCY ESTATE. HOWEVER, IT IS THE COURT'S PREFERENCE THAT MR. ONEAL AND MR. PUSATERI PREPARE A DECLARATION FOR MR. CAMPBELL TO SIGN THAT IS ACCEPTABLE TO ALL PARTIES THAT RESOLVES THE ISSUE.

[https://www.zoomgov.com/j/16026824273?
pwd=cklBTDRRZFRjcnZBaU4xZWZWZDZlZz09&omn=1608771902](https://www.zoomgov.com/j/16026824273?pwd=cklBTDRRZFRjcnZBaU4xZWZWZDZlZz09&omn=1608771902)

Meeting ID: 160 2682 4273
Passcode: 427399