

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



AZ Corp. Commission
05450272

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date March 24, 2016

DIABLO BURGER TUCSON, LLC
120 N LEROUX ST
FLAGSTAFF, AZ 86001

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 03/22/2016 as agent for **DIABLO BURGER TUCSON, LLC**:

Case caption: **DISCOVER BANK v. COLIN S GADER JANE DOE GADER,**
Case number: **CV9027132** Court: **PIMA COUNTY TUCSON PRECINCT JUSTICE COURT**

- ☒ Summons
- ☐ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☒ Default Judgment
- ☒ Judgment
- ☒ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other **ANSWER OF GARNISHEE**

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda B. Griffin", written over a horizontal line.
Lynda B. Griffin
Custodian of Records

Initials **MLB**
File number **L-1778161-0**

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **March 22, 2016**, **Mary Lee Blair**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **DIABLO BURGER TUCSON, LLC**.

Case caption: **DISCOVER BANK v. COLIN S GADER JANE DOE GADER,**

Case number: **CV09027132**

Court: **PIMA COUNTY TUCSON PRECINCT JUSTICE COURT**

- | | |
|--|---|
| <input checked="" type="checkbox"/> Summons | <input checked="" type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input checked="" type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input checked="" type="checkbox"/> Other ANSWER OF GARNISHEE | |

On **March 24, 2016**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

DIABLO BURGER TUCSON, LLC
120 N LEROUX ST
FLAGSTAFF, AZ 86001

OR

The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Printed name: **Mary Lee Blair**

Date: **March 24, 2016**

Signature: _____

Mary Lee Blair

Paul D. Guglielmo 1
John A. Daddona 1
Brody Valerga 2
Christopher N. Orton 3
Katia Spataro, Esq. 4
Stacy D. Stein 5

(520)325-5700 PHONE
(520) 325-2480 FAX
(877) 325-5700 TOLL FREE

March 16, 2016

Arizona Corporation Commission
Attn: Corporation Division Records Section
1300 W Washington St
Phoenix, AZ 85007

RECEIVED

MAR 17 2016

**ARIZONA CORP. COMMISSION
CORPORATIONS DIVISION**

CASE CAPTION: Discover Bank vs. Colin S Gader & Jane Doe Gader
Case#: CV09027132
File No.: 168873
COMPANY NAME: DIABLO BURGER TUCSON LLC

Records Section,

Please review the enclosed documents for service through Arizona Corporation Commission pursuant to A.R.S. § 10-3504(b) and A.R.S. § 29-606(b). We have diligently attempted service on an entity and have been unable to complete service due to failure of company to maintain a better address shown on records of the Commission. I have enclosed the following:

- 2 copies of the document or documents being served;
- An Affidavit or Declaration of Attempted Service from a registered process server; and
- A check for \$25.00

If you have any questions please contact me at 877-325-5700 Ext 173.

Sincerely,

Christina Schaa
Legal Assistant
Guglielmo & Associates, PLLC

This office is attempting to collect a debt and any information obtained will be used for that purpose.

1	Admitted to practice Law in Arizona	3040 N Campbell Avenue Suite 100-Tucson, Arizona 85719
2	Admitted to practice Law in Utah	PO Box 41688-Tucson, AZ 85717
3	Admitted to practice Law in New Mexico	PO Box 41688-Tucson, AZ 85717
4	Admitted to practice Law in Nevada	415 South Sixth Street, Suite 200K-Las Vegas, Nevada 89101
5	Admitted to practice Law in Colorado	10200 E Girard Ave, Suite C250-Denver, CO 80231

CLY 168873 (AZCC_GRN_SVC_PHX revised 12/28/2015 3:49 PM by Marc A. Sandin)

Paul D. Guglielmo 1
John A. Daddona 1
Brody Valerga 2
Christopher N. Orton 3
Katia Spataro, Esq. 4
Stacy D. Stein 5

(520)325-5700 PHONE
(520) 325-2480 FAX
(877) 325-5700 TOLL FREE

March 16, 2016

Arizona Corporation Commission
Attn: Corporation Division Records Section
1300 W Washington St.
Phoenix, AZ 85007

CASE CAPTION: Discover Bank vs. Colin S Gader & Jane Doe Gader
CASE#: CV09027132
COURT: Tucson Precinct Justice Court
COMPANY NAME: DIABLO BURGER TUCSON LLC

Records Section,

Please provide a **Certified** Certificate of Service for the above referenced case. I have enclosed a check in the amount of \$15.50 to cover the cost of the **Certified Certificate of Service**. Please make sure all case info appears correctly (Case #, Court, County, Case Caption, and **all defendants listed on the case**) on the Certificate of Service, the information is correctly listed above for your reference. Please return in enclosed self-addressed stamped envelope as originals are required to be filed by the court. Please **do not fax** to our office. Thank you.

If you have any questions please contact me at 877-325-5700 Ext 173.

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CLY 168873 (AZCC_GRN_SRVCERTREQ revised 12/28/2015 3:48 PM by Marc A. Sandin)

DIABLO BURGER TUCSON LLC

Information Sheet for the Employer

Discover Bank
Plaintiff

Case No. CV09027132

RECEIVED

MAR 17 2016

Guglielmo & Associates, PLLC
P.O. Box 41688
Tucson, Az 85717

**ARIZONA CORP. COMMISSION
CORPORATIONS DIVISION**

Address

-vs-

Colin S Gader (ss #***-**-5713)

Defendant

Please call 877.325.5700 OPTION 3 if further information is required.

INSTRUCTIONS TO EMPLOYER/GARNISHEE

You are the Employer/Garnishee in this case. You have received the following:

- Summons and Writ of Garnishment-Earnings**, which names the parties and the reasons for the garnishment. (2 copies)
- Judgment or Order**, which shows what judgment the Judgment Debtor (your employee) owes the Judgment Creditor. (1 copy)
- Answer of Employer/Garnishee**, which is the form you will use to respond to the garnishment. (4 copies)
- Notice to Judgment Debtor**, (2 copies)
- Request for Hearing on Garnishment-Earnings**, (2 copies)
- Nonexempt Earnings Statement form**, which you will use to calculate how much to withhold from your employee's pay. (4 copies)
- Request for Hearing on Garnishment-Earnings**, (4 copies)

1. Fill out the Answer of Employer/Garnishee form completely. Print and sign your name where indicated, and have your signature notarized by a Notary Public.
2. File or mail the completed original Answer of Employer/Garnishee form to the court at the address indicated at the top of the Answer within ten (10) days.
3. Mail or deliver a copy of the completed Answer of Employer/Garnishee form to Guglielmo & Associates at P.O. Box 41688, Tucson, AZ 85717.
4. Mail or deliver a copy of the completed Answer of Employer/Garnishee form to the Judgment Debtor (your employee) along with one of the provided copies of both the Notice to Judgment Debtor and Request for Hearing.
5. Each pay period, you must calculate how much money to withhold from your employee's earnings by filling out the Nonexempt Earnings Statement form, and then withhold the amount indicated on line #7. You may deduct the amount of \$5.00 from your employee's pay each pay period for preparing and delivering the Nonexempt Earnings Statement form.
6. You must immediately begin withholding the proper amounts from the Judgment Debtor's (your employee's) wages, regardless of any objections or explanations he/she makes. This is true even if an objection or request for hearing is filed. You are not liable for failing to withhold earnings which are paid to your employee within three (3) days after your receipt of the Summons and Writ of Garnishment-Earnings.
7. Do not send any of the withheld money to Guglielmo & Associates until you are instructed to do so by the court. Such instructions will be in the form of a court document, signed by a judge, entitled Order of Continuing Lien.
8. For each pay period prior to your receipt of a copy of the signed Order of Continuing Lien, give a copy of the completed Nonexempt Earnings Statement and Request for Hearing on Garnishment-Earnings Form to your employee along

G&A # 168873

with his/her paycheck. Mail a copy of the Nonexempt Earning Statement to Guglielmo & Associates at P.O. Box 41688, Tucson, AZ 85717.

9. Once you have received a copy of the signed Order of Continuing Lien, you must send a check(s) made payable to Paul D. Guglielmo for the full amount you have previously withheld from your employee's wages, to Guglielmo & Associates, P.O. Box 41688, Tucson, AZ 85717.
10. For each pay period thereafter, give a copy of the completed Nonexempt Earning Statement and Request for Hearing on Garnishment-Earnings Form to your employee along with his/her paycheck. Mail a copy of the Nonexempt Earnings Statement to Guglielmo & Associates, P.O. Box 41688, Tucson, AZ 85717, along with a check made payable to Paul D. Guglielmo in the amount withheld from your employee's wages for that pay period.

OBJECTIONS AND HEARINGS

The Judgment Debtor (your employee) can object to the garnishment, your answer and the nonexempt earnings statement. Paul D. Guglielmo, on behalf of the Judgment Creditor, can object if you do not complete the Answer of Employer/Garnishee or do not so truthfully, or if you do not send a copy of the nonexempt earnings statement to them for each and every pay period regardless of whether any monies can be withheld. If a hearing is requested, the court will inform all parties of the hearing date. You must attend the hearing if there is an objection involving the Nonexempt Earnings Statement or the accuracy of your Answer of Employer/Garnishee. You may attend the hearing on any other objection.

ORDER OF CONTINUING LIEN

Once you receive the Order of Continuing Lien, the garnishment will continue until a) the Judgment Debtor leaves your employment for more than 60 days; b) the Judgment is satisfied; c) Guglielmo & Associates releases the garnishment on behalf of the creditor; d) the Judgment Debtor has not earned any nonexempt earnings for more than 60 days; e) the Judgment Debtor files bankruptcy; f) the court quashes the garnishment.

If an Order of Continuing Lien is not signed by the court within 45 days from the date the court receives your Answer of Employer/Garnishee, any earnings held by you shall be released to your employee and you will be discharged from any liability on the garnishment. However, the 45 day time limit DOES NOT apply if any party objects to your Answer of Employer/Garnishee or if your employee requests a hearing. **WARNING: You should contact Guglielmo & Associates at (520) 325-5700 to confirm whether the court has signed an Order of Continuing Lien or if the 45 day time limit even applies, PRIOR to releasing any monies. You will be liable for any monies improperly released.**

BANKRUPTCY

A bankruptcy stops the garnishment without any further action required by your employee, the court or Guglielmo & Associates on behalf of the Judgment Creditor. It is a violation of Federal Law to continue to withhold your employee's earnings once he/she files bankruptcy.

IMPORTANT REMINDERS

1. You have only ten (10) days from the date you get the Writ to file the Answer of Employer/Garnishee with the court and send a copy to Guglielmo & Associates' office.
2. Do not send any money to Paul D. Guglielmo until the court signs an Order of Continuing Lien. Do not send any money to the court. Once an Order of Continuing Lien is signed, all money should be sent directly to Guglielmo & Associates. All checks or money orders should be made payable to Paul D. Guglielmo.
3. To determine when you have withheld enough monies to satisfy the judgment, YOU MUST CONTACT Guglielmo & Associates at (520) 325-5700, as additional court cost and interest will have accrued since the issuance of the Writ.
4. You must fill out a nonexempt earnings statement for each and every pay period, even if there is nothing to withhold, your employee earned nothing or is on a leave of absence. You must also give a copy of each statement to your employee and Guglielmo & Associates.
5. If you have notice that your employee has filed bankruptcy, STOP the withholding immediately.

WARNING

IF YOU FAIL TO COMPLY WITH THESE REQUIREMENTS, THE COURT MAY FIND YOU IN CONTEMPT AND CAN MAKE YOU LIABLE FOR PAYING THE TOTAL AMOUNT OF YOUR EMPLOYEE'S JUDGMENT, PLUS ADDITIONAL STATUTORY DAMAGES. YOUR EMPLOYEE CAN NOT BE TERMINATED BECAUSE OF THIS GARNISHMENT.

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank Defendant Colin S Gader Jane Doe Gader	NO. CV09027132 INITIAL NOTICE TO JUDGMENT DEBTOR (EARNINGS)
--	---

Garnishee
DIABLO BURGER TUCSON LLC

El tribunal ha ordenado que su empleador tome una parte de su salario o sueldo y que pague a su acreedor hasta terminado el proceso en contra suya y este pagada la deuda. En conformidad con la ley, su acreedor tiene derecho a "solo una parte" de su salario. A continuacion figura una explicacion de sus derechos. Se puede obtener una traduccion espanola del tribunal.

To collect his Judgment against you the Judgment Creditor has asked this court to issue a Writ of Garnishment (see copy of Writ attached). Information about the Judgment and the name and address of the Judgment Creditor and Garnishee are stated in the Writ and the copy of the Judgment, which is attached.

The Writ of Garnishment is a court order requiring the Garnishee to withhold a certain amount from your earnings and to continue to withhold a portion of your earnings until the Judgment is satisfied or the Writ is quashed by the court or released by the Judgment Creditor.

The law provides that a certain amount of each paycheck or other earnings is exempt from collection by a Writ of Garnishment. In some cases of very low income no amount can be garnished except for an Order for Support of a Person. Different exemption rights may apply to the collection of taxes.

Within 10 days after the date the Garnishee was served with the Writ of Garnishment, he is required to deliver to you the following documents:

1. Answer of Garnishee.
2. Notice to Judgment Debtor, which explains your rights and the procedures in the Garnishment process.

3. Request for Hearing form, which you can use to request a hearing if you believe that the amount withheld from your earnings is greater than the law allows or that the Garnishment is invalid.

On each normal payday you should receive some earnings (paycheck) for the amount the Garnishee calculates is protected by law. That calculation is made on a Nonexempt Earnings Statement, a copy of which should accompany your paycheck. (*See below).

To request a hearing for the reasons described above, fill out the attached Request for Hearing form and deliver it to this Court's clerk's office. At the same time you must deliver a copy (photocopy or handwritten) of the Request for Hearing to the Garnishee and to the Judgment Creditor, or his attorney, at the address stated on the Writ of Garnishment.

You will also be given the opportunity to request a hearing after you receive the Answer of Garnishee. A request for hearing can be made no later than 10 days after you receive the Answer of Garnishee, unless good cause is shown why the request was filed later.

If you request a hearing, the Court will set the hearing within 10 days of the date you submitted your Request for Hearing, and the Court will notify you, the Judgment Creditor and the Garnishee of the date, time and place of the hearing.

*if the Judgment Creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified consumer credit counseling service and if you do not receive a paycheck, or if a copy of the non-exempt earning statement does not accompany your paycheck, you may request a hearing.

Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304

JJL PROCESS CORPORATION
ARIZONA

[X]ATTY SIGNATURE REQUIRED

Pima County

<u>Attorney:</u> GUGLIELMO & ASSOCIATES		<u>Date:</u> November 10, 2015	
<u>Plaintiff:</u> Discover Bank		vs.	<u>Defendant:</u> Colin S Gader & Jane Doe Gader
<u>Our File #:</u> 168873		<u>Case #:</u> CV09027132	
<u>Court:</u> Tucson Precinct Justice Court		<u>County:</u> Pima	
Documents Enclosed	Writ of Garnishment		
ACTION:	File: X	Issue: X	Return/Conform: X Serve: X
Fees Tendered:	\$25.00	RUSH:	

SERVE:

DIABLO BURGER TUCSON LLC
DERRICK WIDMARK
120 N LEROUX ST
FLAGSTAFF, AZ 86001
Statutory Agent Phone #:

Special Instructions:

Immediately after service, mail a copy of the Writ of Garnishment, Initial Notice to Judgment Debtor, and Request for Hearing form to the Defendant with the envelope provided. Your Affidavit of Service for Garnishee must avow that the aforementioned documents were mailed via first class United States Postal Service on (insert date) to the Defendant at the address provided.

RECEIVED
NOV 12 2015

2166091

GB

FILED OCT 11/18/15 PM 2:32

Guglielmo & Associates
P.O. Box 41688
Tucson, Arizona 85717
(520) 325-5700
Email: Legal@guglielmolaw.com

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank		NO. CV09027132
Defendant Colin S Gader Jane Doe Gader		APPLICATION FOR WRIT OF GARNISHMENT (EARNINGS)
Garnishee DIABLO BURGER TUCSON LLC		

1. I am the (agent for the) Judgment Creditor in this action, and I make this application for issuance of a Writ of Garnishment, stating the following:
2. That the Judgment Creditor is a party in an action to whom a money judgment has been awarded;
3. That the Judgment Creditor has made demand on the Judgment Debtor for payment of the amount adjudged due, but the Judgment Debtor has not paid that amount and he has not agreed and continued to pay the non-exempt portion of his wages until the Judgment is satisfied;
4. The amount of the outstanding balance due on the judgment is the sum of \$6968.65; and
5. That the Garnishee is believed to be an employer of the Judgment Debtor or otherwise owes or will owe to the Judgment Debtor disposable earnings.
6. The Garnishee's name and address is:
DIABLO BURGER TUCSON LLC, 120 N LEROUX ST., FLAGSTAFF AZ 86001
7. The Judgment Creditor has not received notice of the judgment debtor's intent to enter into an agreement for debt scheduling with a qualified consumer credit counseling service.

THEREFORE, I request that a Writ of Garnishment be issued.
DATED November 10, 2015

GUGLIELMO & ASSOCIATES
BY: 

Christopher N. Kalabus STATE BAR #019839/PCC#65436
Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304
Attorney for Plaintiff/Judgment Creditor

WGC

168873

Guglielmo & Associates
P.O. Box 41688
Tucson, Arizona 85717
(520) 325-5700
Email: Legal@guglielmolaw.com

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank	NO. CV09027132
Defendant Colin S Gader Jane Doe Gader	WRIT OF GARNISHMENT (EARNINGS - CONTINUING LIEN)

Garnishee DIABLO BURGER TUCSON LLC

THE STATE OF ARIZONA TO THE SHERIFF, CONSTABLE OR ANY OTHER OFFICER OF PIMA COUNTY, WHO IS AUTHORIZED BY LAW TO SERVE PROCESS:

JUDGMENT CREDITOR'S CLAIM OF \$1771.63, together with interest, costs and other relief in this action against the following Judgment Debtor(s):
Colin S Gader

THEREFORE, you are commanded to summon and appear before this court the Garnishee whose name and address appears below, who is believed to be within your county.

The Judgment Creditor states as follows:

1. The Judgment Creditor has a Judgment against the above described Judgment Debtor in the amount of \$6968.65 as of the date of issuance of this Writ of Garnishment.
2. The rate of interest on this Judgment is 28.9900% on the principal sum of \$1771.63, 10.0000% on the attorney's fees \$0.00 and 10.0000% on accruing court costs of \$140.00. The interest to date is \$5057.02.
3. The name and address of the Garnishee is:
DIABLO BURGER TUCSON LLC, 120 N LEROUX ST., FLAGSTAFF AZ 86001
Its authorized agent is as follows:
DERRICK WIDMARK, 120 N LEROUX ST, FLAGSTAFF, AZ 86001



Barcode: *WG0000168873*

PC JUSTICE CT 11/18/15 PM 2:32

4. The last known mailing address of the Judgment Debtor is:
Colin S Gader, 15150 W AJO HWY, Tucson AZ 85735

5. The Judgment Creditor's name and address is:
Discover Bank c/o Guglielmo & Associates,
P.O. Box 41688, Tucson, AZ 85717

6. And its attorney's name and address is:
Guglielmo & Associates, P.O. Box 41688, Tucson, AZ 85717

TO THE ABOVE NAMED GARNISHEE:

GARNISHEE SHALL answer in writing, under oath, within ten (10) days after the service of the Writ of Garnishment upon you, all of the following questions:

1. Whether the Judgment Debtor(s) was employed by the Garnishee on the date the Writ was served;
2. Whether the Garnishee anticipates owing earnings within sixty (60) days after the date of service of the Writ.
3. If the Garnishee is unable to determine the identity of the Judgment Debtor(s) after making a good faith effort to do so, a statement of the effort made and reasons for such inability.
4. The dates of the next two paydays occurring after the date of service of the Writ.
5. The pay period of the Judgment Debtor(s), whether weekly, biweekly, semimonthly, monthly or another specified period.
6. The amount of the outstanding Judgment now due and owing as stated in the Writ.
7. Whether the Judgment Debtor(s) is subject to an existing wage assignment, garnishment or levy, and if so, the name, address and telephone number of that Judgment Creditor.
8. The name, address and telephone number of the Garnishee.
9. The date and manner of delivery of a copy of the Answer to the Judgment Debtor(s) and Judgment Creditor.

FROM AND AFTER SERVICE of the Writ of Garnishment, the Garnishee shall not pay to the Judgment Debtor(s) any earnings which are not exempt.

IF IT APPEARS FROM THE ANSWER OF THE GARNISHEE that the Garnishee was indebted to the Judgment Debtor(s) any earnings which are not exempt.

IF IT APPEARS FROM THE ANSWER OF THE GARNISHEE that the Garnishee was indebted to the Judgment Debtor(s) for disposable earnings when the writ was served, the garnishment shall be continuing in nature as a lien against nonexempt earnings, A.R.S. §12-1598.05.

AS TO DISPOSABLE EARNINGS, as defined in A.R.S. §33-1131, a garnishment is continuing in nature, subject to the following conditions:

1. The garnishment constitutes a lien against non-exempt earnings.
2. The garnishment is the equivalent of a court ordered assignment, compelling the garnishee to remit the non-exempt earnings to the Plaintiff, as they are earned, A.R.S. §12-1598.10.
3. The garnishment shall survive until any of the following occurs:
 - a. The underlying judgment is satisfied in full, is vacated, or expires.
 - b. The Judgment Debtor(s) leaves the Garnishee's employ for more than sixty (60) days.
 - c. The Judgment Creditor releases the garnishment.
 - d. The proceedings are stayed by a court of competent jurisdiction, including the United States Bankruptcy Court.
 - e. The Judgment Debtor(s) has not earned any non-exempt earnings for at least sixty (60) days.
4. Garnishments, levies and wage assignments which are not for the support of a person are inferior to wage assignments for the support of a person. Garnishments which are not for the support of a person and levies are inferior to garnishments for the support of a person.
5. If a Judgment Debtor(s)' earnings become subject to more than one Writ of Garnishment, and because of the application of the priorities, a Judgment Creditor recovers no non-exempt earnings for two (2) consecutive paydays, the lien on earnings of such Judgment Creditor is invalid and of no force and effect, and the Garnishee shall notify the Judgment Creditor accordingly.

SUMMONS

In obedience to the attached and foregoing Writ of Garnishment, I DO HEREBY SUMMONS AND REQUIRE YOU TO APPEAR and answer the foregoing writ and in the manner prescribed by law within the times prescribed in said writ. You are hereby notified that in case you fail to so answer, the Court may issue an order requiring you to appear in person before it to answer the Writ of to file and serve, at least five (5) days before the appearance date, a copy of the answer on the party for whom the writ has been issued, or on his attorney if the party is represented by counsel. If you fail to appear or to file and serve the answer as specified in the order, judgment by default may be rendered against you for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely for the amount you may owe to the Defendant, and that such judgment may be so rendered in addition to any other matters which may be adjudged against you as prescribed by law.

DATED _____

DOLNY

HONORABLE JUDGE/DEPUTY CLERK/
JUSTICE OF THE PEACE

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding. Maricopa County Local Rule 2.5

This office is attempting to collect this debt and any information obtained will be used for that purpose.

Christopher N. Kalabus STATE BAR #019839/PCC#65436
Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304

WGC

168873

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank Defendant Colin S Gader Jane Doe Gader	NO. CV09027132 INITIAL NOTICE TO JUDGMENT DEBTOR (EARNINGS)
--	---

Garnishee DIABLO BURGER TUCSON LLC

El tribunal ha ordenado que su empleador tome una parte de su salario o sueldo y que pague a su acreedor hasta terminado el proceso en contra suya y este pagada la deuda. En conformidad con la ley, su acreedor tiene derecho a "solo una parte" de su salario. A continuacion figura una explicacion de sus derechos. Se puede obtener una traduccion espanola del tribunal.

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The Writ of Garnishment is a court order requiring the Garnishee to withhold a certain amount from your earnings and to continue to withhold a portion of your earnings until the Judgment is satisfied or the Writ is quashed by the court or released by the Judgment Creditor.

The law provides that a certain amount of each paycheck or other earnings is exempt from collection by a Writ of Garnishment. In some cases of very low income no amount can be garnished except for an Order for Support of a Person. Different exemption rights may apply to the collection of taxes.

Within 10 days after the date the Garnishee was served with the Writ of Garnishment, he is required to deliver to you the following documents:

1. Answer of Garnishee.
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3. Request for Hearing form, which you can use to request a hearing if you believe that the amount withheld from your earnings is greater than the law allows or that the Garnishment is invalid.

On each normal payday you should receive some earnings (paycheck) for the amount the Garnishee calculates is protected by law. That calculation is made on a Nonexempt Earnings Statement, a copy of which should accompany your paycheck. (*See below).

To request a hearing for the reasons described above, fill out the attached Request for Hearing form and deliver it to this Court's clerk's office. At the same time you must deliver a copy (photocopy or handwritten) of the Request for Hearing to the Garnishee and to the Judgment Creditor, or his attorney, at the address stated on the Writ of Garnishment.

You will also be given the opportunity to request a hearing after you receive the Answer of Garnishee. A request for hearing can be made no later than 10 days after you receive the Answer of Garnishee, unless good cause is shown why the request was filed later.

If you request a hearing, the Court will set the hearing within 10 days of the date you submitted your Request for Hearing, and the Court will notify you, the Judgment Creditor and the Garnishee of the date, time and place of the hearing.

*if the Judgment Creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified consumer credit counseling service and if you do not receive a paycheck, or if a copy of the non-exempt earning statement does not accompany your paycheck, you may request a hearing.

Paul D. Guglielmo STATE BAR #005585/PCC# 22308

John A. Daddona STATE BAR #027793/PCC# 66304

1 **GUGLIELMO & ASSOCIATES**
2 3040 N Campbell Ave Ste 100
3 Tucson, Arizona 85719
4 (520) 325-5700 Fax (520) 325-2480
5 Valerie Dillard
6 STATE BAR #026864/PCC#66185
7 Paul D. Guglielmo
8 STATE BAR #005585/PCC# 22308
9 Attorneys for Plaintiff

Tucson Precinct Justice Court
115 N Church Ave, Tucson AZ 85701

10 Discover Bank)
11 Plaintiff,)
12) Case No.: CV09027132
13 vs.)
14)
15 Colin S Gader)
16 Jane Doe Gader) JUDGMENT
17 Defendant (s))
18)
19)
20)
21)
22)
23)
24)
25)

26 **NOW, THEREFORE, IT IS ORDERED** that Plaintiff is granted Judgment against Defendant(s):

27 Colin S Gader
28 2140 W Window Rock Dr
29 Tucson AZ 85745-1855

30 As follows:

31 1.	Principal	\$ 2915.78
32 2.	Accrued costs through date of Judgment	\$ 149.00
33 3.	Reasonable attorney's fees	\$

34 **TOTAL JUDGMENT**

\$

35 With interest on the principal at 28.99% per annum from the date of 04/30/2008, until paid interest on costs
36 and reasonable attorney's fees, if any allowed, at 10% per annum from the date hereof until paid, together with after-
37 accruing taxable costs.

38 Date: 12/29/09

39 JUSTICE OF THE PEACE

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank	NO. CV09027132
Defendant Colin S Gader Jane Doe Gader	NOTICE TO JUDGMENT DEBTOR (Earnings)

Garnishee DIABLO BURGER TUCSON LLC
--

This is your second notice that a Writ of Garnishment has been issued in this case. The Writ is a court order requiring the Garnishee to withhold a certain amount from your earnings and to continue to withhold a portion of your earnings until the Judgment is satisfied or the Writ is Quashed.

The law provides that a certain amount of each paycheck or other periodic earnings is exempt from collection by a Writ of Garnishment. In some cases of very low income, no amount can be garnished except for an Order for Support of a Person. (*See below).

Among the reasons for requesting a hearing are:

1. The Judgment Creditor does not have a valid Judgment against you or the Judgment has been paid in full.
2. The Garnishee's Answer is incorrect.
3. Your earnings are already subject to a Writ of Garnishment or are subject to a court ordered Assignment for Payment of Support.
4. (**See below).

To request a hearing, deliver the Request for Hearing form (attached), or a substantially similar form to the Clerk of this Court. You must mail or deliver a copy of the Request for Hearing to the Garnishee and to the Judgment Creditor or his attorney at the address on the Writ of Garnishment.

If you do not deliver the Request for Hearing form to this court within 10 days after the date you receive this Notice and the Answer of the Garnishee, your request for hearing will be denied, unless good cause for the delay is shown. You must check a box or state your reasons for disputing the claim in the space provided on the form.

If you request a hearing, it will be conducted no later than 10 days after your request is received by the court. The Court will send you notice of the date, time and place.

* If you believe that too much of your earnings have been withheld from your paycheck or that no amount should be withheld, you may request a hearing before this Court.

** 4. The Judgment Creditor's debt is subject to an effective agreement for debt scheduling between you and a qualified consumer credit counseling service.

The nonexempt portion of your earnings will continue to be withheld by the Garnishee and delivered to the Judgment Creditor until the Judgment is paid in full, or the Garnishment is ordered to stop. Whether or not you request a hearing at this time, if you believe too much money is withheld from your earnings pursuant to this Garnishment at some time in the future, you will have the same opportunity to request a hearing at that time.

WARNING: YOU WAIVE YOUR RIGHT TO A HEARING ON THE MONIES WITHHELD IN THIS PAY PERIOD UNLESS YOU FILE THIS REQUEST FOR HEARING WITHIN 10 DAYS AFTER RECEIVING THE GARNISHEE'S ANSWER OR SHOW GOOD CAUSE FOR FILING THE REQUEST LATE.

Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank Defendant Colin S Gader Jane Doe Gader	NO. CV09027132 REQUEST FOR HEARING ON GARNISHMENT OF EARNINGS
--	---

Garnishee DIABLO BURGER TUCSON LLC

I REQUEST A HEARING BECAUSE:

- ☐ On my normal payday I received no earnings (paycheck).
- ☐ A copy of the Nonexempt Earnings Statement did not accompany my paycheck.
- ☐ The Judgment Creditor does not have a valid Judgment or that Judgment has been paid in full.
- ☐ My employer has not delivered to me the Notice to Judgment Debtor, Answer of Garnishee (Employer) and Request for Hearing forms within 15 days. (*See below).

DATED _____

Signature of Judgment Debtor: _____ Printed Name, Address, Phone
of Judgment Debtor: _____

☐ *The debt of the Judgment Creditor is subject to an effective agreement for debt scheduling between me and a qualified consumer credit counseling service.

Notice of Hearing Date

Hearing is set for _____ on _____ at the court above.
(time) (date)

Date: _____ Clerk/Commissioner: _____

Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304

*****REMINDER*****

ALL QUESTIONS MUST BE ANSWERED. PLEASE
BE SURE TO INDICATE THE DATE OF DELIVERY
FOR QUESTIONS #9 AND #10. THE ANSWER
NEEDS TO BE SIGNED AND NOTARIZED.
FAILURE TO COMPLY WITH THE GARNISHMENT
STATUTES COULD RESULT IN THE GARNISHEE
BEING LIABLE FOR ATTORNEY FEES INCURRED.

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank	NO. CV09027132
Defendant Colin S Gader Jane Doe Gader	ANSWER OF GARNISHEE (Earnings - Continuing Lien)

Garnishee DIABLO BURGER TUCSON LLC

CAUTION: Failure to file a Garnishee's Answer can result in an order being entered against you in the full amount of the debt owed by the judgment debtor to the judgment creditor. This can happen even if you do not know the judgment debtor or do not owe the judgment debtor any earnings.

1. I am the garnishee or I am authorized by the garnishee to complete and file this Answer. I was served with the Writ on _____.
2. The statements checked below are true: (Check all boxes that apply and fill in blanks for each box checked)
 - A. ☐ The judgment debtor was not employed by me on the date the Writ and Summons were delivered to me. The judgment debtor's last workday was _____.
 - B. ☐ I will not owe judgment debtor earnings within 60 days after service of the Writ and Summons.
 - C. ☐ The judgment debtor was employed by me on the date the Writ and Summons were delivered to me.
 - D. ☐ I will owe judgment debtor earnings within 60 days after service of the Writ and Summons.
 - E. ☐ I took the following steps to try to identify the judgment debtor, but was not able to do so for the reasons stated here: (12) _____

3. According to the Writ and Summons, the total amount owed the judgment creditor is _____.
4. The judgment debtor's next two paydays are _____ and _____.
5. The pay period is (check which apply): _____ daily _____ weekly _____ bi-weekly _____ semi-monthly _____ monthly _____ commission/tips _____ other (explain) _____



6. I have attached copies of any existing garnishments, wage assignments or levies against judgment debtor which are known to me.
7. I request an answer fee in the amount of (18) \$ _____, as a reasonable amount for the preparation and filing of this Answer.
8. Copies of this Answer and copies of the Notice of Judgment Debtor, Request for Hearing and Non-exempt Earnings Statement were delivered to the Judgment Debtor by
_____ hand delivery;
_____ regular first class mail to the address determined to be best calculated to reach the Judgment Debtor in a timely manner;
_____ service pursuant to the Rules of Civil Procedure applicable to a Summons,
on ** _____. (DATE MUST BE INDICATED) **
9. Copies of this Answer and Non-Exempt Earnings Statement were delivered to the Judgment Creditor by
_____ hand delivery;
_____ regular first class mail;
_____ service pursuant to the Rules of Civil Procedure applicable to a Summons,
on ** _____. (DATE MUST BE INDICATED) **
at the following address:

Guglielmo & Associates, P.O. Box 41688, Tucson AZ 85717-1688
10. Garnishee's name, address and phone number is:

I have read the foregoing document and know of my own knowledge that the facts stated therein are true and correct.

WHEREFORE, Garnishee prays that Garnishee be discharged on this Answer and that the Court award Garnishee reasonable compensation in the amount of \$ _____.

STATE OF ARIZONA)
) ss
COUNTY OF)

Signature of Garnishee or Authorized Agent

** SUBSCRIBED AND SWORN ON _____, **

Notary Public

My Commission Expires:

Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank Defendant Colin S Gader Jane Doe Gader	NO. CV09027132 REQUEST FOR HEARING ON GARNISHMENT OF EARNINGS
--	---

Garnishee DIABLO BURGER TUCSON LLC

I REQUEST A HEARING BECAUSE:

- ☐ The Judgment Creditor does not have a valid Judgment against me.
- ☐ The Judgment has been paid in full.
- ☐ The Garnishee's Answer is incorrect.
- ☐ My earnings are already subject to a Writ of Garnishment or court-ordered Assignment for Payment of Support.
- ☐ Other

DATED _____

Signature of Judgment Debtor: _____
Printed Name, Address,
Phone of Judgment Debtor: _____

Notice of Hearing

Hearing is set for _____ on _____ at the court above.
(time) (date)

Date: _____ Clerk/Commissioner: _____

WARNING: YOU WAIVE YOUR RIGHT TO A HEARING ON THE MONIES WITHHELD IN THIS PAY PERIOD UNLESS YOU FILE THIS REQUEST FOR HEARING WITHIN 10 DAYS AFTER RECEIVING THE GARNISHEE'S ANSWER OR SHOW GOOD CAUSE FOR FILING THE REQUEST LATE.

Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304



Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank Defendant Colin S Gader Jane Doe Gader	NO. CV09027132 NON-EXEMPT EARNING STATEMENT (JUDGMENT NOT FOR SUPPORT)
--	--

PAY PERIOD FROM _____ TO _____
(ANSWER ALL PERTINENT QUESTIONS)

1. The Judgment Debtor is an employee or is otherwise owed earnings. Yes ____ No _____. If the answer is "NO", enter the Judgment Debtor's last date of employment by your firm or the last date for which earnings are owed. _____
2. For the earnings of the Judgment Debtor for this pay period enter all of the following:
 - 2a. Gross Earnings 2a. \$ _____
 - 2b. Disposable Earnings (Gross Earnings less deductions required by law) 2b. \$ _____
 - 2c. Enter 25% of line 2b 2c. \$ _____
3. The current federal minimum wage is \$ _____ per hour. Enter one of the following, using an appropriate pay period: weekly (30 x minimum wage), bi-weekly (60 x minimum wage), semi-monthly (65 x minimum wage), monthly (130 x minimum wage) 3. \$ _____
4. Subtract line 3 from line 2b and enter 4. \$ _____
5. Enter the amount from line 2c or line 4, whichever is smaller 5. \$ _____
6. Enter the amount withheld from the Judgment Debtor's earnings because of a Court Ordered Assignment for Support of a Person or a Garnishment or Levy for the Collection of Taxes 6. \$ _____



7. Subtract line 6 from line 5 and enter here.
THIS IS THE AMOUNT OF NON-EXEMPT EARNINGS
YOU ARE TO WITHHOLD AND FORWARD TO THE
JUDGMENT CREDITOR WITH THIS STATEMENT

7. \$ _____

DATED _____

Garnishee's Signature

Garnishee's Name, Address, Phone:

CG-11

Guglielmo & Associates
P.O. Box 41688
Tucson, AZ 85717
(520) 325-5700

Tucson Precinct Justice Court
240 N STONE AVE, Tucson AZ 85701
County of Pima, State of Arizona

Plaintiff Discover Bank Defendant Colin S Gader Jane Doe Gader	NO. CV09027132 REQUEST FOR HEARING
--	---

Garnishee DIABLO BURGER TUCSON LLC

If you believe that the amount of your non-exempt earnings has been incorrectly calculated for this pay period or that no amount should be withheld because the Garnishment or underlying Judgment is invalid, satisfied or superseded, you may request a hearing within 10 days after receiving the attached Non-Exempt Earnings Statement by completing this Request for Hearing and delivering it to the Court. Deliver a copy of your Request for Hearing to the Judgment Creditor and the Garnishee.

The Court will notify you and the other parties of the date and time for the hearing. A hearing will be set within 10 days after your request.

I request a hearing for the following reason:

_____ The Non-Exempt Earnings Statement is incorrectly filled out.

_____ Other _____

Dated: _____

Signature of Judgment Debtor
Judgment Debtor:

Paul D. Guglielmo STATE BAR #005585/PCC# 22308
John A. Daddona STATE BAR #027793/PCC# 66304



CERTIFICATE OF NON-SERVICE

Attorney: GUGLIELMO AND ASSOCIATES (AZ)
PO BOX 41688, TUCSON, AZ 85717
Phone: (877) 325-5700 Email: arizona@jilprocess.com
Court: TUCSON PRECINCT JUSTICE COURT, COUNTY OF PIMA
240 N STONE AVE, TUCSON, AZ 85701
Phone:

2016 JAN 13 PM 2:10
Case No: CV0902708

Court Date/Time: _____ / _____
Court Room: 20 DAYS

Plaintiff/Petitioner: **Discover Bank**

VS.

Defendant/Respondent: **Colin S Gader and Jane Doe Gader**

The undersigned certifies under penalty of perjury:

I received: **CONTINUING WRIT OF GARNISHMENT AGAINST SALARY OR WAGES** from **GUGLIELMO AND ASSOCIATES (AZ)** and have been unable to effect service upon


DIABLO BURGER TUCSON LLC C/O DERRICK WIDMARK

The following attempts at service were made:

Date/Time	Address	Remarks
12/16/2015 at 03:45pm	120 N LEROUX ST FLAGSTAFF, AZ 86001	No one authorized to accept. Mr Widmark will return January 2016.
01/06/2016 at 04:08pm	120 N LEROUX ST FLAGSTAFF, AZ 86001	Mr Derrick Widmark not available.
01/08/2016 at 09:31am	120 N LEROUX ST FLAGSTAFF, AZ 86001	Walker states all parties are in Tucson.

NON-SERVED: REFUSED TO ACCEPT SERVICE

I declare under penalty of perjury that the foregoing is true and correct.


BERNHARD INVESTIGATIONS (GENE BERNHARD)
Process Server #: PS201300002
2532 North Fourth Street, Unit # 123
Flagstaff, AZ, 86004
(661) 222-7650

Service Fee: \$60.00

Atty File#: 168873
Job ID#: 2166091
Invoice#: 2056367



336

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: MLEEBLAI
Invoice No.: 5016431

Check Batch:
Invoice Date: 03/22/2016
Date Received: 03/22/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS L-1778161-0 DIABLO BURGER TUCSON, LLC	\$25.00
Total Documents: \$		25.00
	CHECK 6372	\$25.00
PAYMENT		
Balance Due: \$		0.00

Corporate Inquiry

03/22/2016

State of Arizona Public Access System

3:59 PM

File Number: L-1778161-0

LATEST DATE TO DISSOLVE 06/15/2036

Corp. Name: DIABLO BURGER TUCSON, LLC

Domestic Address

120 N LEROUX ST

FLAGSTAFF, AZ 86001

Second Address

Agent: DERRICK WIDMARK

Status: APPOINTED 07/26/2012

Mailing Address:

120 N LEROUX ST

FLAGSTAFF, AZ 86001

Agent Last Updated: 11/09/2012

Business Type:

Domicile: ARIZONA

County: COCONINO

Corporation Type: DOMESTIC L.L.C.

Life Period:

Incorporation Date: 07/26/2012

Approval Date: 07/30/2012

Last A/R Received: /

Date A/R Entered:

Next Report Due:

NO CORPORATIONS RECORD FOUND FOR THIS FILE NUMBER. (A010)

