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7 *Attorney for Respondent*

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

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

10 In re the Matter of:)	
)	
11 DIANE JUNE HENDERSHOT,)	No. FC2018-054263
)	
12 Petitioner,)	RESPONDENT’S MOTION
)	FOR RULE 85 RELIEF
13 and,)	
)	
14 JOSEPH PATRICK WHYTE,)	
)	
15 Respondent.)	<i>(Assigned to The Honorable</i>
_____)	<i>Judge Andrew Russell)</i>

16 Respondent, **Joseph Patrick Whyte**, herein, by and through counsel undersigned, as and
17 for his Motion for Rule 85 Relief, pursuant to the provisions of Rule 85, A.R.F.L.P., hereby
18 requests that this Court vacate and modify certain portions of the Orders included in Child
19 Support Order filed with the Clerk of the Superior Court on May 14, 2024 (which was signed in
20 accordance with Rule 78(g)(1), A.R.F.L.P. by Minute Entry dated May 14, 2024 and efiled with
21 the Clerk of the Court on May 15, 2024) to the extent that the issues raised herein warrant.

22 This Motion is based upon the attached Memorandum of Points and Authorities which is
23 attached hereto and incorporated herein by this reference, as well as the exhibits attached thereto,
24 which have been filed herewith and incorporated herein by this reference.
25

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Phone (602) 254-7251
Fax (602) 254-1229

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RESPECTFULLY SUBMITTED this June 8, 2024.



Sophia L. Bennett
Attorney for Respondent

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Procedural and Factual Background:**

- 3 1. Respondent/Father filed a Petition to Modify Child Support filed on July 23,
4 2023.
- 5 2. On February 21, 2024, the Court held a Hearing on Father's Petition to Modify.
- 6 3. On May 1, 2024, the Court held a second day Hearing on Father's Petition to
7 Modify and a Minute Entry was issued on May 14, 2024. Therein, the Court Ordered:
- 8
- 9 a. Granting Father's Petition to Modify Child Support;
- 10 b. Father's new child support obligation would be a difference of \$121 per month
11 for a Order of \$1,103.00 per month payable to Mother;
- 12 c. Father's arrearage in the amount of \$150.00 per month remains unchanged.
- 13 4. A Child Support Order was filed with the Clerk of the Court on May 14, 2024,
14 Ordering the following:
- 15
- 16 a. Father shall pay child support to Mother in the amount of \$1,103.00, payable on
17 the 1st of the month commencing June 1, 2024.
- 18
- 19 5. This ruling was signed in accordance with Rule 78(g)(1), A.R.F.L.P., by Minute
20 Entry entered on May 15, 2024.

21 **Compliance With Rules:**

- 22 1. Pursuant to Rule 85(c)(1), A.R.F.L.P. a motion under Rule 85(b), A.R.F.L.P. must
23 be made within a reasonable time, and for the reasons set forth in subparts (b)(1), (2), and (3), no
24 more than 6 months after the entry of the judgment. This Motion is being filed within 25 days
25 after the ruling was signed in accordance with Rule 78(g)(1), A.R.F.L.P., by Minute Entry
entered on May 14, 2024.

1 **Grounds for Motion:**

2 1. Respondent is proceeding herein pursuant to **Rule 85** of the Arizona Rules of
3 Family Law Procedure, which states in part:

4 ***Rule 85. Relief from Judgment***

5 . . .

6 *(b) Grounds for Relief from a Judgment. On motion and on such terms as are just,*
7 *the Court may relieve a party or its legal representative from a judgment for the*
8 *following reasons:*

9 *(1) mistake, inadvertence, surprise, or excusable neglect;*

10 *(2) newly discovered evidence that, with reasonable diligence, could not have*
11 *been discovered in time to file a motion under Rule 83(a)(1);*

12 *(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or*
13 *other misconduct of an opposing party;*

14 . . .

15 *(6) any other reason justifying relief.*

16 2. A.R.F.L.P. Rule 85 allows relief from final judgement in cases where the Court
17 mistakenly did not properly consider or weigh all of the admitted evidence.

18 a. Here, the Court mistakenly considered the evidence, which resulted in both
19 Petitioner and Respondent's income being incorrectly calculated for child support
20 purposes.

21 b. Additionally, the Court did not provide a Child Support Worksheet with the Child
22 Support Order, and therefore, the Court does not show the amount of income
23 attributed to each party.

24 3. A.R.F.L.P. Rule 85 also allows relief from final judgement in cases where there
25 was fraud, misrepresentation, or misconduct of the opposing party.

a. Here, Petitioner has perpetrated fraud and misconduct by failing to respond to
Respondent's requests for discovery and by misrepresenting her income and
financial situation.

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Argument:

1. **Respondent's Income:**

- a. The Court's May 15, 2024 Child Support Order does not state what amount of income the Court attributed to Respondent.
- b. Respondent lost his job in August, 2022 due to mental health issues. (Exhibit 1).
- c. Due to the loss of his job, Respondent had to move in with his parents in Michigan.
- d. Respondent faced lessened earning capability because of his location in Michigan and his mental health issues.
- e. Respondent testified that he currently earns \$18.00 per hour in a full time position. (Exhibit 2).
- f. No evidence or testimony was presented at the hearing that Respondent has a *current* higher earning capability.
- g. Respondent testified that in 2023 he made approximately \$78,000 per year, however he also testified that during that time, he had four jobs. That was also prior to the loss of his employment due to his mental health issues.
- h. "Generally, the court should not attribute income greater than what would have been earned from full-time employment,' because '[e]ach parent should have the choice of working additional hours through overtime or at a second job without increasing the child support award.' A.R.S. § 25-320 app. Guideline § 5(A) (2015)." *Ballard v. Ballard*, No. 1 CA-CV 15-0449 FC (Ariz. App. Mar 01, 2016).

- 1 i. Respondent’s current earning capability should be attributed to him, rather than
2 his past earning capability, especially when that earning capability was based off
3 multiple jobs and more than full-time work.
4
- 5 j. Respondent also testified that he made rental income, however he only received
6 \$5,000 total in rental income in 2023 and the expenses for the property were
7 approximately the same amount, resulting in no net income, or actually available
8 money for expenditures.
9
- 10 k. Additionally, the Court should consider Respondent’s other financial obligations.
11 Respondent testified that he is having issues being caught up on child support
12 because he is far behind in his truck payments and credit card payments. (Exhibit
13 3).
14
- 15 l. Guidelines § 5(A). Section 25–320 “does not specify or limit the items that the
16 court may consider in determining a parent's ‘financial resources.’ ” *Cummings v.*
17 *Cummings*, 182 Ariz. 383, 386, 897 P.2d 685, 688 (App.1994).
18
- 19 m. “Because the Guidelines are based upon assumptions about spending patterns of
20 families at various income levels, gross income for child support purposes is not
21 determined by the gross income shown on the parties' income tax returns, but
22 rather on the *actual money* or *cash-like benefits* received by the household which
23 is *available for expenditures.*” *Cummings v. Cummings*, 182 Ariz. 383, at 385,
24 897 P.2d at 687 (emphasis added).
25
- n. Based on Respondent’s current income and his required living expenses,
including his debts, Respondent cannot afford to survive while also paying the
child support amount of \$1,103.00 per month as ordered by the Court.

- 1 o. Respondent requests that the Court re-calculate child support using Respondent’s
2 actual monthly income of \$3,117.60, which includes his full-time employment at
3 \$18.00 per hour.
4
- 5 2. **Petitioner’s Income:**
- 6 a. The Court’s May 15, 2024 Child Support Order does not state what amount of
7 income the Court attributed to Petitioner.
8
- 9 b. “Gross income is broadly defined by the Guidelines to include: income from any
10 source, and may include, but is not limited to, income from salaries, wages,
11 commissions, bonuses, dividends, severance pay, pensions, interest, trust income,
12 annuities, capital gains, social security benefits (subject to Section 26), worker's
13 compensation benefits, unemployment insurance benefits, disability insurance
14 benefits, recurring gifts, prizes, and spousal maintenance. Cash value shall be
15 assigned to in-kind or other non-cash benefits.” *Milnovich v. Womack*, 343 P.3d
16 924 (Ariz. App. 2015).
17
- 18 c. Additionally, Guidelines § 5(A). Section 25–320 “does not specify or limit the
19 items that the court may consider in determining a parent's ‘financial resources.’ ”
20 *Cummings v. Cummings*, 182 Ariz. 383, 386, 897 P.2d 685, 688 (App.1994).
21
- 22 d. “[B]y allowing the trial court to consider all aspects of a parent's income, the
23 Guidelines ensure that the child support award is 'just' and based on the total
24 financial resources of the parents.’ *Cummings v. Cummings*, 182 Ariz. 383, 386,
25 897 P.2d 685, 688 (App. 1994).”
- e. Petitioner’s attributed income did not include income from her trust fund, income
from sale of real estate holdings, or her rental income.

- 1 f. Respondent was unable to provide evidence showing Petitioner's income from
2 these sources due to Petitioner's failure to comply with Respondent's discovery
3 requests.
4
- 5 g. Arizona Rules of Family Law Procedure Rule 49 requires parties to disclose
6 information on all sources of income "including year-to-date pay stubs, salaries,
7 wages, commissions, bonuses, self-employment income, dividends, severance
8 pay, pensions, **interest, trust income, income from businesses and properties,**
9 annuities, **capital gains**, social security benefits, worker's compensation benefits,
10 unemployment insurance benefits, disability insurance benefits, **recurring gifts,**
11 prizes, and spousal maintenance" (emphasis added). Therefore, monies from these
12 sources are to be considered income by the Court.
13
- 14 h. Additionally, in *Curto v. Curto* "the family court determined that Mother's
15 withdrawals of 'inherited funds' were 'taxable monies' and utilized the amounts
16 withdrawn from the IRAs in determining mother's gross income." *Curto v. Curto*,
17 No. 1 CA-CV 14-0615 FC (Ariz. App. Sep 22, 2015).
18
- 19 i. And in *Milnovich v. Womack*, the Court held that inheritance monies saved or
20 invested are not included as gross income for purposes of calculating child
21 support, but monies used by the beneficiary "as a source of income either to meet
22 existing living expenses or to increase the recipient's standard of living,"
23 including the drawdown of principal, "should be included in that year's gross
24 income". *Milnovich v. Womack*, 236 Ariz. 612, 617, ¶ 15, 343 P.3d at 929 (citing
25 *In re A.M.D.*, 78 P.3d 741, 746 (Colo. 2003).

- 1 j. Therefore, Petitioner’s trust income should be considered by the Court in
- 2 determining Petitioner’s income.
- 3
- 4 k. Further, “Arizona Revised Statutes section 25-320(A) provides that the court can
- 5 order both parents to pay reasonable and necessary child support based on their
- 6 financial resources, and the amount of support awarded should not be unjust. The
- 7 statute does not specify or limit the items that the court may consider in
- 8 determining a parent's "financial resources." The designation of predictable gift
- 9 income as part of the parents' income or financial resources is not unreasonable or
- 10 at odds with the purpose expressed in the statute. On the contrary, by allowing the
- 11 trial court to consider all aspects of a parent's income, the Guidelines ensure that
- 12 the child support award is "just" and based on the total financial resources of the
- 13 parents. *Cummings v. Cummings*, 182 Ariz. 383, 897 P.2d 685 (Ariz. App. 1994).
- 14
- 15 l. Additionally, the Court would not consider Petitioner’s second job in determining
- 16 her income (Exhibit 4), but did take into consideration Respondent’s income
- 17 during a time when he held four different jobs.
- 18
- 19 m. The Court also did not consider Petitioner’s rental property income, but did
- 20 consider Respondent’s.
- 21
- 22 n. In this matter, the Court failed to properly consider all sources of Petitioner’s
- 23 income.
- 24
- 25 o. Respondent requests that the Court order Petitioner to submit disclosure of all her
- sources of income, including her rental properties and trust income.
- p. Respondent requests that the Court then re-calculate child support using a more
- accurate income for Petitioner.

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3. **Petitioner’s Misconduct:**
- a. Despite multiple requests from Respondent, Petitioner failed to disclose a significant amount of her financial information.
 - b. Respondent contacted opposing counsel with written discovery requests on July 26, 2023. (Exhibit 5).
 - c. Respondent followed up on these requests on August 10, 2023 and September 14, 2023. (Exhibit 6).
 - d. On September 15, 2023, Respondent informed opposing counsel that he had not received any disclosure by mail and requested that opposing counsel send the disclosure by email. (Exhibit 6).
 - e. On September 24, 2023, Respondent sent an email to opposing counsel once again requesting compliance with Respondent’s discovery requests. (Exhibit 6).
 - f. On September 27, 2023, Respondent emailed opposing counsel to request supplemental discovery, including: (See Exhibit 7)
 - i. Up to date bank statements;
 - ii. Confirmation of the minor child’s entrance back into school ;
 - iii. Record of all expenses for Petitioner’s rental property along with deposits;
 - iv. Explanation of why Petitioner would still be incurring the same fees she was during summer vs now when the minor child is in school;
 - v. Information on the continued trust withdrawals from “The Diana June Hendershot Family Trust”;
 - vi. Updated Schedule D or B income tax forms for the last three years.

- 1 g. On September 29, 2023, Respondent sent opposing counsel a formal
2 supplemental request for production of documents. (Exhibits 7 and 8).
3
4 h. On November 9, 2023, in an email to opposing counsel, Respondent states that he
5 had not received any of the discovery documents that he had requested on
6 September 29, 2023. (Exhibit 7).
7
8 i. On November 10, 2023 and November 11, 2023, Respondent requested that
9 opposing counsel send disclosure digitally since he had not received any mailed
10 documents. (Exhibit 7).
11
12 j. On November 14, 2023, Respondent offered to pick up Petitioner's discovery
13 from opposing counsel's office, but was denied. (Exhibit 9).
14
15 k. On January 9, 2024, Respondent requested additional disclosure from opposing
16 counsel, including: (See Exhibit 10
17 i. 2023 bank statements;
18 ii. 2023 Capital One account statements;
19 iii. 2023 Barclays statements;
20 iv. 2023 Myrill Lynch statements;
21 v. 2023 Prudential statements.
22
23 l. Despite multiple requests, Petitioner refused to provide her disclosure to
24 Respondent electronically when he did not receive the disclosure by mail.
25 Respondent was also denied to be able to pick up copies of the disclosure in
person.
m. Despite multiple requests, Petitioner failed to provide complete personal and
business financial records, including financial information on her investment

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accounts and trust accounts, information on her second job, details of real estate holdings, and full disclosure of all income sources, including property sales and trust income.

n. Arizona Rules of Family Law Procedure Rule 49 states that “in a case in which child support is an issue, the following documents must be served on the other party with the initial disclosure:

- (1) A fully completed affidavit substantially in the form set forth in Form 2, Rule 97, (“Affidavit of Financial Information” or “AFI”);
- (2) Proof of the party's income from all sources, including:
 - (a) Complete tax returns, W-2 forms, 1099 forms, and K-1 forms, for the past 3 completed calendar years, and year-end information for the most recent calendar year if tax returns are not yet due;
 - (b) Information for the current calendar year for all income sources, including year-to-date pay stubs, salaries, wages, commissions, bonuses, self-employment income, dividends, severance pay, pensions, interest, trust income, income from businesses and properties, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance;

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- (c) Proof of Court-Ordered child support and spousal maintenance actually being paid by the party in any case other than the one in which disclosure is being provided;
- (d) Proof of all medical, dental, and vision insurance premiums paid by the party for any child listed or referenced in the petition;
- (e) Proof of any child care expenses paid by the party for any child listed or referenced in the petition;
- (f) Proof of any expenses paid by the party for private or special schools or other particular education needs of a child listed or referenced in the petition; and
- (g) Proof of any expenses paid by the party for the special needs of a gifted child or a child with a disability who is listed or referenced in the petition.”

- o. Petitioner has additionally failed to comply with Arizona Rules of Family Law Procedure Rule 49 by failing to provide information for all income sources, including “including year-to-date pay stubs, salaries,... dividends,... trust income, income from businesses and properties, annuities, capital gains,... [and] recurring gifts...”
- p. Respondent requests that the Court order Petitioner to comply with Arizona Rules of Family Law Procedure Rule 49 and with Respondent’s discovery requests.
- q. Respondent requests this Court to consider this disclosure from Petitioner in determining the child support amount.

1 WHEREFORE Respondent requests that this Court enter appropriate Orders as follows:
2 A. Granting Respondent’s Motion for Rule 85 Relief;
3 B. Ordering Petitioner to comply with Arizona Rules of Family Law
4 Procedure Rule 49 and with Respondent’s discovery requests;
5 C. Re-calculating child support to properly reflect both Respondent’s and
6 Petitioner’s incomes;
7 D. For such further orders as this Court deems just and proper.
8 E. In the alternative, Father requests that this Court schedule oral arguments
9 and/or an Evidentiary Hearing, at which time the parties can present evidence or argument, as
10 this Court deems necessary, related to the issues raised herein.
11
12

13 **RESPECTFULLY SUBMITTED** this June 8, 2024.

14 

15
16
17
18 _____
19 Sophia L. Bennett
20 Attorney for Respondent

21 **Original** of the foregoing E-filed this
22 June 8, 2024

23 The Clerk of the Northeast Court

24 **Copy** E-lodged electronically with:

25 The Honorable Judge Russell

Copy E-mailed to:

Charles Kellers
chas@kellerslaw.com
Attorney for Petitioner

/s/ **JT**

VERIFICATION

Michigan

STATE OF ~~ARIZONA~~)
County of ~~MARICOPA~~) ss.
Livingston)

I, **JOSEPH PATRICK WHYTE**, being of lawful age, and being first duly sworn upon my oath, depose and state that I have read the attached Motion for Rule 85 Relief and that the facts contained therein and they are true and correct according to the best of my knowledge, information and belief.



JOSEPH PATRICK WHYTE

SUBSCRIBED AND SWORN to before me this 7th day of June 2024.



NOTARY PUBLIC

My Commission Expires:

09/21/2028

MARK BIALKE
Notary Public, State of Michigan
County of Livingston
My Commission Expires Sep. 21, 2028
Acting in the County of *Livingston*

EXHIBIT 1

hims

Subscriptions Messages Orders Appointments Profile Support Logout

Delivered

h

Psychiatry treatment prescription has been submitted

Order created
Nov 6, 2023

Tracking number
9274890260147
1385280

Shipping address
3505 Prescott D
Howell, MI
48843-6979
United States

Total
\$147.00

Order number
ASwZHYqNPCo

hims

Subscriptions Messages Orders Appointments Profile Support Logout

h

Delivered

Psychiatry treatment prescription has been submitted

Order created Jul 31, 2023

Tracking number [9274890260147](#)
[8395370](#)

Shipping address
3505 Prescott D
Howell, MI
48843-6979
United States

Total \$147.00

Order number 37J82CiD8Zs


hims

hims.com/account/orders

La Mesa Marketing Tools Tattoo ideas Admin - Update Da... Daycare Software -... Basecamp Plans - Simple Vide... Fanpage h

Subscriptions Messages Orders Appointments Profile Support Logout

Delivered



Psychiatry treatment prescription has been submitted

Order created
May 20, 2023

Tracking number
[9400111206207067](#)

Shipping address
3505 Prescott D
Howell, MI
48843-6979
United States

Total
\$117.00

Order number
oB5GmdAL81A



Joe W <joe.whyte@gmail.com>

Prodigy Healthcare Telehealth Information

2 messages

Bryanne Friedlander <bfriedlander@prodigyhealthcareaz.com>
To: joe.whyte@gmail.com

Fri, Nov 4, 2022 at 4:33 PM

Welcome to Prodigy Telehealth!

I have attached a copy of the instructions on how to download the zoom app which is what you will be using to complete the program. You must pay for each group before you are allowed to attend. You can go to:

<https://www.prodigyhealthcareaz.com/> and then go to make a payment. You will pick Telehealth Group and follow the prompts to pay the 25.00 dollars. Your docket number is 2022026504 and location is Mesa which you will need to complete the online payment.

The meeting ID that you will enter starting on 11/30/2022 at 7:00pm (Arizona Time) is 804-294-446 and will continue to be the same meeting ID each Wednesday. You will not be able to enter the meeting until 7:00pm, as that is when the class starts. Class is from 7:00pm to 8:30pm. Please be prepared and on time. Let me know if you have any questions either via email or phone at 480-949-8871.

In order to participate in telehealth you must have a working camera and speaker on your device. When logging in you must allow the speaker and camera to be on. Failure to do so could result in you being removed from the group

--

Best Regards,

Bryanne Friedlander
Customer Service Specialist

Prodigy Healthcare
t: 480-949-8871
www.prodigyhealthcare.org

2 attachments

 **ZOOM App Download Instructions for Clients.docx**
138K

 **Telehealth Anger Mgmt_Attendance Policy_Fri Nov 04 2022 13_32_02 GMT-0700 (Mountain Standard Time).pdf**
306K

Joe Whyte <joe.whyte@gmail.com>
To: Joe W <joe.whyte@gmail.com>

Wed, Feb 8, 2023 at 5:34 PM

[Quoted text hidden]

2 attachments

 **ZOOM App Download Instructions for Clients.docx**
138K

 **Telehealth Anger Mgmt_Attendance Policy_Fri Nov 04 2022 13_32_02 GMT-0700 (Mountain Standard Time).pdf**
306K

Coding Summary Form

Copper - COPPER SPRINGS

Patient Name:	WHYTE, JOSEPH	Medical Record Number:	014028
Account Number:	014028-1	Discharge Date:	3/11/2021
Admission Date:	3/4/2021	Sex:	M - Male
BirthDate/Age:	03/11/1981 - 39 y	Encounter Type:	IP - Inpatient
Financial Class:	43 - Commercial	Record Status:	C - Complete
Attending Physician:		Condition Codes:	
Patient Status:	01 - Discharged to home or self care (routine discharge)		

ICD-10-CM Admit Diagnosis

Code	Description
F32.2	Major depressive disorder, single episode, severe without psychotic features

ICD-10-CM Diagnosis codes

GF	Code	Description	POA	Comorbidity Category	CMAAdj
	F33.2	Major depressive disorder, recurrent severe without psychotic features	Y		
CC	R45.851	Suicidal ideations	Y		
CC	F10.130	Alcohol abuse with withdrawal, uncomplicated	Y	Drug And/Or Alcohol Induced Mental Disorders	1.03
	F41.9	Anxiety disorder, unspecified	Y		
	F60.3	Borderline personality disorder	Y		
	I10	Essential (primary) hypertension	Y		

ICD-10-PCS Procedure Codes

GF	Code	Description	Date	Provider
	HZ2ZZZZ	Detoxification Services for Substance Abuse Treatment	3/4/2021	

DRG: **885 Psychoses**

MDC: **19 Mental Diseases and Disorders**

Drg Weight:	1	Total Charges:	\$0.00
Total Comorbidity Adj Factor:	1.03	Teach Pay:	\$0.00
Age Adjustment:	1	ECT Pay:	\$0.00
		Outlier Pay:	\$0.00
		Per Diem Rate:	\$815.22
		DRG Reimb:	\$6,178.71

Pedram Amani, M.D.

3/5/2021
12:39 PM

Copper Springs East Hospital-IP
3755 Rome Street
Gilbert, AZ 85297
4806675500

page 1 of 5

**Complete Evaluation / Psychiatry
Psychiatrist**

Whyte, Joseph

ID: 014028

DOB: 3/11/1981

HISTORY: Mr. Whyte is a Caucasian 39-year-old man. His chief complaint is, "been feeling extremely empty and depressed."

Patient is presenting with struggling with severe depression feeling hopeless, MD and having suicidal thoughts with plan to drive his car off the road.

Patient reporting of having a long history of depression and anxiety and that he has been struggling with wide mood swings and increased irritability and agitation.

Mr. Whyte reports of having a history of depression for a number of years and that depression has been progressively worsening lately.

Mr. Whyte characterizes depression as depressed / sad mood, isolation, low energy, depressed/sad mood, low self-esteem, and poor concentration, difficulty sleeping, hopeless, worthless and suicidal thoughts at times.

Current Symptoms:

Mr. Whyte's reported depressive symptoms are as follows:

- *Feeling sad
- *Feelings of worthlessness
- *Describes irritability
- *Difficulty sleeping
- *Appetite change
- *Low self esteem
- *Feeling hopeless
- *Feeling low energy / fatigue
- *Increased isolation
- *Suicidal ideation with plan

Mr. Whyte reports of having a history of anxiety and currently complaining of worsening of anxiety. Mr. Whyte reports of having increased episodes of irritability, restlessness, "feeling very nervous and jittery", poor concentration and sleeping difficulties.

Problem Pertinent Review of Symptoms/Associated Signs and Symptoms: He specifically denies manic symptoms.

He reports no hallucinations, delusions or other symptoms of psychotic process.

Mr. Whyte is endorsing of having a history of struggling with the following symptoms for a number of years:

Complete Evaluation: Continued

- An intense fear of abandonment/rejection
- Pattern of having unstable relationships
- Rapid changes in self-identity and self-image
- Periods of stress-related paranoia and loss of contact with reality, lasting from a few minutes to a few hours
- Impulsive and risky behavior
- Suicidal threats or behavior or self-injury, often in response to fear of separation or rejection
- Wide mood swings lasting from a few hours to a few days, which can include intense happiness, irritability, shame or anxiety
- Ongoing feelings of emptiness
- Inappropriate, intense anger, such as frequently losing temper, being sarcastic or bitter, or having physical fights.

Other Systems Reviews: There is no recent history of weight loss, fever, malaise, or other abnormal constitutional symptoms. There is no history of disorder of muscle strength or tone, joint problems, or disturbances of gait or station. Symptom reviews of all other systems are negative.

PAST PSYCHIATRIC HISTORY:

Psychiatric Hospitalization:

Mr. Whyte has never been psychiatrically hospitalized.

Suicidal/Self Injurious:

Mr. Whyte has a history of suicidal thoughts but has never made an attempt.

Addiction/Use History:

Mr. Whyte has a history of possible alcohol over use.

SOCIAL/DEVELOPMENTAL HISTORY:

Mr. Whyte is a 39 year old man. He is Caucasian.

Per Mr. Whyte's report and documentation available in the chart:

Relationship/Marriage:

Mr. Whyte is married.

Children:

Mr. Whyte has 7 children.

Educational History:

Complete Evaluation: Continued

Mr. Whyte has college education.

Employment History:

Mr. Whyte is employed.

Living Status:

Mr. Whyte lives with family.

Strengths/Assets:

Mr. Whyte's strengths and assets are as follows:

Cognitive:

- *Cognitively intact
- *Verbal
- *Can make needs known

Physical:

- *Ambulatory without assistance
- *Performs ADLs independently
- *Hopeful for Recovery
- *Motivated for Treatment

FAMILY HISTORY:

Per Mr. Whyte's report and/or documentation in the chart:
Family member with history of alcohol abuse.

MEDICAL HISTORY:

Medical Diagnoses:

None

Allergies:

There are no known drug allergies.

Adverse Drug Reactions:

There is no known history of adverse drug reactions.

EXAM: Mr. Whyte presents as looking sad and unhappy, downcast, casually groomed, and tense. Mr. Whyte exhibits speech that is normal in rate, volume, and articulation and is coherent and spontaneous. Language skills are intact.

There are signs of severe depression.

There are signs of anxiety. Mr. Whyte is fidgety, somewhat restless.

Demeanor is glum. Mr. Whyte appears downcast. Thought content is depressed. Body posture and attitude convey an underlying depressed mood. Facial expression and general demeanor reveal depressed mood.

Suicidal ideas are present, however denies of having any suicidal intention while in hospital.

Homicidal ideas or intentions are denied.

Mr. Whyte's reasoning is concrete with constricted affect which is appropriate to verbal content.

Complete Evaluation: Continued

There are no apparent signs of hallucinations, delusions, bizarre behaviors, or other indicators of psychotic process. Associations are intact, thinking is logical, and thought content appears appropriate.

Mr. Whyte is alert and oriented to time, person, place and current situation as Mr. Whyte is able identify self, correctly mentioning day of week and approximate current time and correctly mentioning the state, city and hospital as well as circumstance leading to hospitalization and current situation.

Mr. Whyte's attention span is intact – assessed by direct questioning of simple subtraction such as 11- 4, and 12 + 6 and spelling world backwards.

Recent memory is intact – assessed by direct questioning of recalling recent events such as name recent medication taken and recall last night's dinner.

Remote memory is intact - assessed by direct questioning of recalling remote events such as school graduation year, recollection of childhood history, childhood town and friends.

Abstract reasoning is intact – assessed by direct questioning of similarities, proverbs and perceptiveness such as:

"How are an apple and an orange both alike."

"The grass is greener on the other side" and "Don't count your chicken's before they hatch."

Intelligence is average - based on vocabulary and fund of knowledge and education.

Mr. Whyte's judgment is fair – as Mr. Whyte is able to anticipate outcomes, difficulty predicting resulting of choices.

Mr. Whyte's insight is fair – as Mr. Whyte is understanding severity of illness, nature of illness, need for medications and treatment.

Mr. Whyte made poor eye contact during the examination.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Major depressive disorder, recurrent severe without psychotic features, F33.2 (ICD-10) (Active)

Anxiety disorder, unspecified, F41.9 (ICD-10) (Active)

Borderline personality disorder, F60.3 (ICD-10) (Active)

THERAPY CONTENT/CLINICAL SUMMARY:**LEVEL OF CARE JUSTIFICATION**

There is a reasonable expectation that the patient's condition and the level of functioning will improve as a result of compliance with treatment plan. Improvement depends on pharmacological and therapeutic interventions, and patient ability and willingness to cooperate and engage in treatment.

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Start Effexor

Complete Evaluation: Continued

Start CIWA protocols with folic acid, thiamine, multivitamins

Level of observation: Q15

Percautions: DTS

CMP, CBC with diff, TSH, Lipid panel, TSH, and UDS - pending

We discussed risks, benefits, potential side-effects, and alternatives to prescribed drugs.

Mr. Whyte has demonstrated an understanding about a treatment's associated risks and expressed verbal understanding and willingness to undergo treatment.

Mr. Whyte expresses the following treatment goals of developing better coping skills dealing with stress / reducing depression and suicidal thoughts and increasing social functioning.

ELOS: 6-8 days

HEALTH CONCERNS AND RISKS:

History of substance use

Pedram Amani, MD

Electronically Signed

By: Pedram Amani, MD

On: 3/7/2021 12:42:31 AM

Copper Springs East Hospital-IP
3755 Rome Street
Gilbert, AZ 85297

4806675500

Whyte, Joseph

ID: 014028

DOB: 3/11/1981

3/11/2021
8:48:23 AM

Discharge Summary

DATE ADMITTED: 3/4/2021

DATE DISCHARGED: 3/11/2021

This discharge summary consists of

1. Initial Psychiatric Assessment
2. Course in Treatment
3. Clinician's Narrative
4. Discharge Status and Instructions

3. CLINICIAN'S NARRATIVE

Course During Treatment:

The patient was a pleasant 39y/o male, admitted with Major depressive disorder, recurrent severe without psychotic features, F33.2 (ICD-10) (Active)

Anxiety disorder, unspecified, F41.9 (ICD-10) (Active)

Borderline personality disorder, F60.3 (ICD-10) (Active).

Mr. Whyte was informed of the possible risks, benefits and alternatives to treatment. The patient was able to give consent and willing to consent to treatment and medication management.

Daily evaluations medication and treatment response monitoring was conducted by psychiatrist daily and clinical team.

Medical consultation was performed on admission and medical condition followed as needed.

Mr. Whyte was placed on Effexor XR, the medication was gradually adjusted to a therapeutic range.

Mr. Whyte has tolerated the medications fairly well, and shown positive therapeutic response as Mr. Whyte's mood significantly improved by the time of discharge.

As the course of treatment progressed, Mr. Whyte's participation in therapy improved and made some progress towards treatment goals of resolution of depression and better management of anxiety and plan for a safe discharge which Mr. Whyte accomplished by the discharge time.

Whyte, Joseph

ID: 014028

DOB: 3/11/1981

Discharge Summary

As treatment course progressed, Mr. Whyte appeared more optimistic, motivated and engaging in the treatment and developed more effective coping skills through group therapy participation during this hospitalization.

Healthy lifestyle, including sleep hygiene, nutrition, sobriety, smoking cessation and healthy relationships were addressed with Mr. Whyte during hospitalization.

Pro and cons of discharge and continuation of treatment on outpatient basis versus continuation of inpatient treatment was carefully evaluated and Mr. Whyte was found to be ready to step down to a lower level of care. The need for compliance with discharge plan and treatment recommendations was reinforced with Mr. Whyte.

Mr. Whyte has been compliant with treatment and shown progressive improvement. Mr. Whyte has been tolerating the current medications fairly well, eating and sleeping fairly well. Mr. Whyte currently denies SI, VI and HI.

Mr. Whyte has been appropriately engaging with others and there have been no behavioral disturbances.

Detox treatment was completed and tolerated well by Mr. Whyte. At this time, Mr. Whyte denies any withdrawal symptoms.

Discharge aftercare plan with follow up instructions was prepared by SW and a copy was provided to Mr. Whyte. Mr. Whyte is motivated to follow up the psychiatric care on outpatient basis. Mr. Whyte is currently future and goal oriented. At this time, Mr. Whyte is at low-moderate risk however if Mr. Whyte becomes non-compliant with psychiatric care/medications and /or abuse alcohol or illicit substances then Mr. Whyte would be at high risk.

Mr. Whyte is encouraged to follow up outpatient psychiatrist, therapist as well as with PCP on regular basis. Mr. Whyte's admission risks have decreased to a point that Mr. Whyte can be safely treated in an outpatient level of care. Mr. Whyte verbalized willingness and able to continue to follow up with psychiatric care provider for psychotropic medication management, PCP for other medical management and attend therapy as scheduled by the treatment team. There is a significant risk of decompensation if Mr. Whyte is not compliant with discharge treatment plan.

Mr. Whyte denies having access to guns or weapons.

Mr. Whyte is able to ambulate without assistance and performs ADLs independently.

Mr. Whyte's medical and physical condition were stable at discharge.

Follow UP Appointment: See the final CS Inpatient Discharge Plan.

4. DISCHARGE STATUS AND INSTRUCTIONS

Final Exam, Interval History

INTERVAL HISTORY: Mr. Whyte is endorsing much improvement since the admission. and that mood is stable, sleeping and eating well. Mr. Whyte is reporting feeling better and looking forward to discharge. Mr. Whyte has been consistently negative for SI/HI/VI and psychosis. Mr. Whyte is future and goal oriented. Mr. Whyte expresses much of motivation to continue with mental health care on outpatient basis. Mr. Whyte currently is stable and motivated to follow up the treatment on outpatient basis.

ID: 014028

DOB: 3/11/1981

Discharge Summary

Constitutional Review of Symptoms: There is no recent history of weight loss, fever, malaise, or other abnormal constitutional symptoms.

Musculoskeletal Review of Symptoms: There is no history of disorder of muscle strength or tone, joint problems, or disturbances of gait or station. Symptom reviews of all other systems are negative.

No side effects are reported or in evidence.

THERAPY CONTENT/CLINICAL SUMMARY:Final Exam, Mental Status Exam

EXAM: Mr. Whyte appears friendly, happy, attentive, well groomed, and appears happy. Mr. Whyte exhibits speech that is normal in rate, volume, and articulation and is coherent and spontaneous. Language skills are intact. Mood presents as normal with no signs of either depression or mood elevation. Affect is appropriate, full range, and congruent with mood. Associations are intact and logical. There are no apparent signs of hallucinations, delusions, bizarre behaviors, or other indicators of psychotic process. Associations are intact, thinking is logical, and thought content appears appropriate. Suicidal ideas or intent are denied. Homicidal ideas or intentions are denied. Cognitive functioning and fund of knowledge are intact and age appropriate. Short- and long-term memory are intact, as is ability to abstract and do arithmetic calculations. Mr. Whyte is fully oriented. Vocabulary and fund of knowledge indicate cognitive functioning in the normal range. Insight and judgment appear developmentally appropriate. Mr. Whyte's judgment is good as evidenced by interview and direct questioning of the patient. Mr. Whyte's insight is good as evidenced by understanding severity of illness. There are no signs of hyperactive or attentional difficulties. Mr. Whyte's behavior in the session was cooperative and attentive with no gross behavioral abnormalities. No signs of withdrawal or intoxication are in evidence.

Discharge Diagnosis

Major depressive disorder, recurrent severe without psychotic features, F33.2 (ICD-10) (Active)

Anxiety disorder, unspecified, F41.9 (ICD-10) (Active)

Borderline personality disorder, F60.3 (ICD-10) (Active)

Type of Discharge: Regular

Condition on Discharge: Greatly improved

Prognosis: Good

Disposition: Discharged to home/self care (routine charge)

Medications at Discharge:

Effexor XR 150 mg PO Daily

Whyte, Joseph

3/11/2021

ID: 014028

DOB: 3/11/1981

8:48 AM

Discharge Summary

Medication Instructions: Patient was instructed to take medications as prescribed and was informed about potential side effects.

Consent: Patient was advised regarding the risks and benefits of treatment.

Physical Activity: As tolerated.

Dietary Instructions: Regular diet.

Other Instructions: No complications or infections

Emergency Contact: 4806675500

History of Notes and Risk Factors: **HISTORY OF HEALTH CONCERNS AND RISKS:**

History of substance use

Pedram Amani, MD

Electronically Signed

By: Pedram Amani, MD

On: 3/11/2021 1:27 PM

DISCHARGE MEDICATION SUMMARY FOR PATIENT

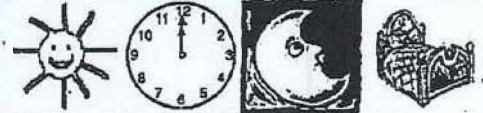
Patient Name: Whyte, Joseph DOB: 03/11/1981 Room-Bed: 715-A Admit Date/Time: 3/4/21 23:11

Ht: 74.00in Wt: 180.00lb BMI: #### BSA: 2.08 Regular Pharmacy: CVS/pharmacy #5026

Allergies: NKA

Medications to take after Discharge

Continue Medications Until Told to Stop



Medication	Dose	Route	Freq	Morning	Noon	Evening	Bedtime
PSYCHOTHERAPEUTIC AGENTS							
venlafaxine ERC 150 mg ERC (Effexor XR) Indication: Depression	150 mg	Oral	Daily	✓			

Keep a list of your Medications and update with any changes including non prescription products. Tell all of your physicians about changes at each visit and carry a copy with you at all times in case of an emergency situations. Always take medications according to your physicians instructions. Discard Medications that have expired.

Joseph Whyte
Patient Signature Date/Time

4:25 3/10/21

K. Palmer
Nurse Signature Date/Time

ACCT #: 0140281
MR #: 014028
Admit Date: 3/4/21 23:11
Physician: Amani, Pedram, MD
DOB: 03/11/1981 AGE: 39 years SEX: M

Whyte, Joseph

DISCHARGE MEDICATION SUMMARY FOR PATIENT

Patient Name: Whyte, Joseph

DO NOT CONTINUE THESE MEDICATIONS AT HOME

Medication	Dose	Route	Frequency
------------	------	-------	-----------

DO NOT CONTINUE

Patient Signature Date/Time

Nurse Signature Date/Time

ACCT #: 0140281

MR #: 014028

Admit Date: 3/4/21 23:11

Physician: Amani, Pedram, MD

DOB: 03/11/1981 AGE: 39 years SEX: M

Whyte, Joseph

Page 2 of 3

DISCHARGE MEDICATION SUMMARY FOR PATIENT

Patient Name: Whyte, Joseph

THESE DISCHARGE PRESCRIPTIONS e-PRESCRIBED TO:

CVS/pharmacy #5026
1212 S. GREENFIELD RD.
MESA, AZ 85206
Phone Number: 4806548962
03/10/2021 8:28 am

Take this form to your pharmacy to pick up your medications.

All these medications are listed on the front sheet under Medications to take after Discharge.

Medication	Dose	Route	Frequency	Quantity	Refills
venlafaxine ERC <i>Effexor XR</i>	150 mg	Oral	Daily	10	0

Joseph Whyte 4125 3-10-21
Patient Signature Date/Time

Kyle BSWW & Palmer, BSWW 3/10/21 1625
Nurse Signature Date/Time

ACCT #: 0140281
MR #: 014028
Admit Date: 3/4/21 23:11
Physician: Amani, Pedram, MD
DOB: 03/11/1981 AGE: 39 years SEX: M

Whyte, Joseph



SIERRA TUCSON

Authorization To Disclose Healthcare Information

Patient Full Name: Joseph White DOB 3-11-81 Social Security# XXXX-XX-7160
Phone Number: 602-390-9479 Address: 11

I hereby authorize: [X] release information to [X] Exchange Information
NAME: Sierra Tucson
ADDRESS: 39580 S. Lago Del Oro Parkway Tucson, Arizona 85739
PHONE: 520-624-4000
FAX:
Name: Joseph White
Address: 2918 S Country Club
Email: Joe.white@gmail.com phone# 602-390-9479
Relationship: Self

By signing below, I hereby authorize Sierra Tucson or agent, to disclose information contained in the medical and financial record of the patient identified above, which includes information that may be stored in a paper and/or other electronic format. However, such notes may contain information on general medical care; alcohol and drug abuse treatment; psychological and social work counseling; human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), or AIDS related complex, including communicable diseases or infections, sexually transmitted diseases, venereal diseases, tuberculosis and hepatitis; demographic information; and treatment received at other health care facilities. Disclosure shall be limited to the following specific information contained in my records and/or obtained during the course of my diagnosis and treatment.

The following information is requested: (patient* or legal guardian X items to be released).

- Psychiatric Evaluation [X] Laboratory Reports [X] Financial Account Information/Insurance documents
History & Physical [X] Immunization Records [X] Progress Notes
Practitioner Orders [X] Medication Records [X] Psychological Report
Practitioner Progress Notes [X] Treatment/Individualized Service [X] Other (specify) Arouse of Form 999
Discharge Summaries [X] Plan Discharge Instructions [X] completed & self admitted
Assessments [X] Test Results/Reports [X]

The Purpose or Need for Disclosure is:

- To Transfer Patient Care [X] To Aid in Treatment [X] Application for Provider Coverage
For Follow Up Care [X] For Discharge Planning [X] Telephone/Written Communication about TX, Progress & Concerns
To Inform Family [X] To Update Medical Records [X] To Aid in financial account activity
Referral Source [X] Employer [X] Emergency Contact (Medical, AMA, Psychiatric, Transfer, Administrative)
Legal/Court System [X] Continuing Care [X] Other (specify)
[X] Legal Purposes [X] Personal Use [X]

I understand that the information in my health record may include information relating to sexually transmitted disease, immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV). It may also include information about behavioral or mental health services, and treatment for alcohol and drug abuse. State and federal law protect the following information. If this information applies to you, please ("X") indicate if you would like this information released/obtained (include dates where appropriate):

- Alcohol, Drug, or Substance Abuse Records [X] Yes [] No Admit/Discharge
HIV Testing and Results [] Yes [X] No Admit/Discharge
Mental Health Records Dates [X] Yes [] No Admit/Discharge

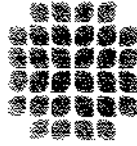
Disclosure Format (Paper/US Mail, Fax or Email) is default if not marked. Specify other Electronic if not marked. This authorization is valid only if received within 60 days of being signed. This authorization will expire at the time of disclosure of requested information or 180 days from date of signature. (date cannot be more than 180 days after date signed below)

- I may revoke this authorization at any time. Revocations to this authorization must be presented in writing. Revocation will not apply to information disclosed prior to receiving a written revocation.
I understand that information disclosed pursuant to this authorization may be subject to re-disclosure by the recipient, and may no longer be protected by federal and state privacy laws and regulations.
I understand that Sierra Tucson will not condition my treatment, payment, enrollment or eligibility for benefits on whether I provide this authorization.

By signing below I acknowledge that I am aware of the confidential and/or privileged nature of the information being disclosed, and understand the benefits and/or disadvantage of disclosing such information. I hereby release Sierra Tucson, its affiliates and its agent and representatives, (including collection agencies) from all legal liabilities that may result from the release of this information according to this request. I also expressly consent and authorize to be contacted by the phone number provided (cellular or residential) by any type of voice method and by auto-dialer technology for any permissible purpose.

Patient or Authorized Representative Signature: Joe White Date: 9/29
Witness Signature: Candace Angel Print Name Relationship to Patient (if applicable): Date: Time:
Print Name of Witness: Candace Angel Date: Time:

Notice to Recipient: This authorization provides for a release of information about an individual whose confidentiality is protected by federal and state laws and regulation, including the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. §160-164) as well as 42 C.F.R. part 2 and 42 U.S.C. §. §280dd-2, and state confidentiality laws. No information disclosed from this authorization may be re-disclosed without the specific written consent of the individual about whom such information pertains. Updated 11/2015, 02/2018



SIERRA TUCSON

Where Change Begins

September 29, 2022

Re: Joseph Whyte

To Whom It May Concern:

Joseph Whyte admitted to Sierra Tucson on 8/28/2022 and discharged treatment complete on 9/27/2022.

Please reach out with any questions you may have.

Sincerely,

Eric T. Hansen, MD
Psychiatrist
520-624-4000

EXHIBIT 2

Exhibit

!

Defendant



January 18, 2024

Dear Joe,

The following will summarize the offer of employment to join Mrs. Michael, Benjamin Franklin Plumbing, Mister Sparky Electrical and One Hour Heating & Air Conditioning as a HR Generalist in the Howell office.

Compensation Structure

Upon start your base pay will be \$18.00 per hour. This is a multifaceted position consisting of HR duties, marketing, and inside sales. After 90 days you will have an evaluation of your position, performance and wage to see if any adjustments need to be made at that time. Our payday's are every two weeks and paid on Fridays which requires direct deposit. This offer of employment is contingent upon successful completion of the pre-employment drug test and background screening process.

Your position as a HR Generalist is a full-time position. You and any dependents will be eligible for group medical and dental insurance on the first day of employment. The employee portion is paid up to 100% by the company depending on which plan you chose. Any additional family members will be paid by the employee. You are eligible for one week of paid vacation after 90 days of employment and two weeks after one year. You are eligible to participate in the 401K plan after 6 months of employment with a company match. You will receive six (6) paid holidays per year following 90 days of employment. Additional benefit information will be communicated to you after you begin working.

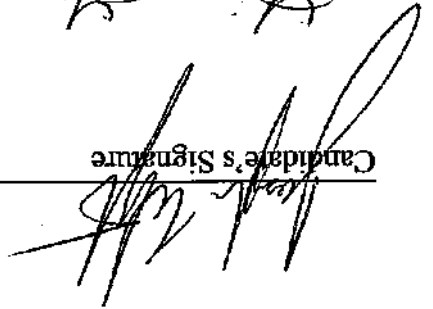
If you have any questions concerning the above details, please contact me immediately. If you accept this position, please sign and return this offer.

Thank you for your interest in our company.

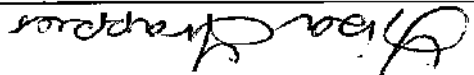
Sincerely,
Lisa Frappier
Human Resource Manager

ACKNOWLEDGEMENT

Candidate's Signature



Supervisor's Signature



Date

1-15-24

Date

1-18-2024



EXHIBIT 3

Exhibit

B

Defendant



Select Account:

Account 6500565 - 2012 FORD F150 SUPERCR ▼

Account Information

Borrower: JOSEPH P WHYTE
Account Number: 6500565
Year: 2012
Vehicle: FORD - F150 SUPERCR
Current Principal Balance: \$12,901.29
Monthly Payment Amount: \$417.47

Payment Information

Past Due for 10/17/2023
 Next Due Amount: \$417.47
 Past Due Amount: \$1,262.35
 Late Charges: \$395.07
 Other Charges: \$175.00
Total Amount Due: \$2,249.89
 Next Payment Date: 01/17/2024

SIGN UP FOR
ESTATEMENTS

MAKE
PAYMENT

Recent Account History

PRINT

Post Date	Effective Date	Transaction	Total	Interest	Principal	Fees
12/27/2023	12/27/2023	LATE FEE ASSESSMENT	\$20.87	\$0.00	\$0.00	\$20.87

Statement History

Statement Date	Description
12/29/2023	BILLING STATEMENTS
11/28/2023	BILLING STATEMENTS
10/29/2023	BILLING STATEMENTS
9/28/2023	BILLING STATEMENTS
8/29/2023	BILLING STATEMENTS

7/29/2023	BILLING STATEMENTS
6/28/2023	BILLING STATEMENTS
5/29/2023	BILLING STATEMENTS
4/13/2023	BILLING STATEMENTS
3/14/2023	BILLING STATEMENTS
2/11/2023	BILLING STATEMENTS
1/14/2023	BILLING STATEMENTS

© 2021 Mechanics Bank Auto Finance



capital one



Compose

Inbox 161,808

Starred

Snoozed

Important

Chats

Sent

Drafts 484

Trash

Categories

Social 5,467

Updates 125,413

Forums 276

Promotions 76,530

More


Labels

2022 Jobs 48

affiliates

Bank

Details regarding your account Inbox x

 **Capital One** <service@takechargemail.capitalone.com>
to JOE.WHYTE



You have options.

Product Name: VENTURE Account ending in 2558

Joe,

Your account balance of \$6,157.22 is still outstanding. We offer payment plans resolving your balance more convenient.

Take a moment to [review your options](#).

Your Account Summary

Name Joe Whyte
Account Number Ending in 2558
Current Balance \$6,157.22

[Review My Options](#)



capital one



Compose

Inbox 161,814

Starred

Snoozed

Important

Chats

Sent

Drafts 484

Trash

Categories

Social 5,467

Updates 125,419

Forums 276

Promotions 76,530

More

Labels

2022 Jobs 48

affiliates

Bank



JOSEPH WHYTE
Account ending in 1190
Outstanding balance: \$2,812.23



Reminder: Your payment plans are wa

Joseph,

Selecting a payment plan is easy with your online account. Re
options, and choose one to resolve your outstanding balance of \$2

[Review your plans](#)



Q hughes



Compose

Inbox 161,815

Starred

Snoozed

Important

Chats

Sent

Drafts 484

Trash

Categories

Social 5,467

Updates 125,420

Forums 276

Promotions 76,530

More

Labels

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affiliates

Bank



Adobe Acrobat Sign on behalf of Hughes FCU <echosign@echosign.com>
to me, EchoSign



Powered by
Adobe
Acrobat Sign



You're done signing

LOANMODIFICATION (for JOSEPH WH

To ensure that you continue receiving our emails, please add echosign@echosign.com to your safe list.

© 2023 Adobe. All rights reserved.

(877)-898-5001

Joseph P Whyte
3505 Prescott Dr
Howell, MI 48843-6979



12/22/2023
REF: CITIBANK, N.A.
Original Account Number: XXXXXXXXXXXX2725

Dear Joseph P Whyte,

As attorneys with Midland Credit Management, Inc. legal department, we are contacting you regarding the collection of the above balance. Your CITIBANK, N.A. Account, owned by Midland Credit Management, Inc., has now been transferred to our legal collections department due to non-payment. We are currently reviewing documentation (including the attached documents) in preparation for filing a lawsuit against you.

Demand is hereby made upon you for the above payment IN FULL—this is the amount due on your original obligation when transferred to our department. Please send payment **Made Payable to Midland Credit Management, Inc.** by 01/01/2024. You may also make a payment online at MidlandCredit.com.

If we do not receive payment IN FULL by 01/01/2024, we intend to file a lawsuit against you, seeking entry of judgment for your account's outstanding balance as well as any incurred and recoverable court costs. We intend to continue our collection efforts through various post-judgment remedies available under your state's laws if a judgment is obtained against you. If you are unable to pay in full by 01/01/2024 please contact our office at (877)-898-5001 to discuss affordable repayment options.

Your prompt attention is necessary to avoid a lawsuit. Please call (877)-898-5001 no later than 01/01/2024. You may also make a payment online at MidlandCredit.com.

Sincerely,
Attorneys for Midland Credit Management, Inc.

P.S. Attached are copies of some of the documents we received from the original creditor regarding this account.

001355

Visit Us Online
MidlandCredit.com
Call (877)-898-5001
Hours of Operation:
M - Fri: 8:00am - 7:30pm EST
Sat: Closed
Sun: Closed

P.O. Box 2121 Warren, MI 48090

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION
Please tear off and return lower portion with payment in the envelope provided

PAYMENT CERTIFICATE

Internal Legal Account Number: 23-222695
Original Account Number: XXXXXXXXXXXX2725
Current Balance: \$2,061.63
Amount Enclosed: \$ _____

Payment Options:
1) Pay by phone: (877)-898-5001
2) Mail in this certificate with your payment and make check payable to: Midland Credit Management, Inc.

Joseph P Whyte
3505 Prescott Dr
Howell, MI 48843-6979

P.O. Box 2121 Warren, MI 48090

010350001355
0000 0000

PRE_002

Original Creditor: Midland Credit Management, Inc.
Original Account No.: CITIBANK, N.A.
Current Balance: XXXXXXXXXXXX2725
Internal Legal Account No.: \$2,061.63
23-222695

Elizabeth Smith, State Bar No. P63010
Andrew Perry, State Bar No. P69402
Stephanie Pettway, State Bar No. P64543
James Shackelford, State Bar No. P83581
David Picardat, State Bar No. P83599
Kimberly A. Klemenok, State Bar No. P85913

Information About Your Account
To Avoid Paying Interest
Each billing cycle, we will calculate the amount of interest you owe by the payment due date. If you do not pay in full by the payment due date, you will be charged interest on the amount you owe. We will continue to charge interest on the amount you owe until you pay in full. If you have a balance on your account, please pay in full by the payment due date. If you do not pay in full by the payment due date, we will charge interest on the amount you owe. We will continue to charge interest on the amount you owe until you pay in full. If you have a balance on your account, please pay in full by the payment due date. If you do not pay in full by the payment due date, we will charge interest on the amount you owe. We will continue to charge interest on the amount you owe until you pay in full. If you have a balance on your account, please pay in full by the payment due date.

Date: 01/03/2024
Time: 3:04:47 PM

Michigan Child Support Enforcement System NCP Financial Detail Report

RPID: NCPD
Page: 1 of 2

Report Period: 12/01/2023 to 01/03/2024
[CONFIDENTIAL - FOR PAYER USE ONLY]

Payer ID: 02424815
Docket - County: 2023058231UN - 047

Payer Name: JOSEPH PATRICK WHYTE

Legal Address:
JOSEPH PATRICK WHYTE
3505 PRESCOTT DR
HOWELL, MI 48843-6979

Mailing Address:
3505 PRESCOTT DR
HOWELL, MI 48843-6979

Docket Details
Docket: 2023058231UN
Docket County: 047 - Livingston
Docket Status: OPEN
Case ID: 913972241
Payee Name: DIANA HENDERSHOT
Case Status: OPEN
Dependents: BRAXTON
DOB: 04/12/2016
Emancipation Date: 04/12/2034
Actively Charging Obligation: Y

Current Account Information Summary

Debt Type	Current Month's Charges	Balance Owed	Fixed Obligation Indicator	Fixed Payoff Balance
Docket: 2023058231UN - 047				
Case ID: 913972241				
OS-OUT OF STATE	1103.00	23103.51		
PF-PROCESSING FEES	9.00	16.50		
SF-SERVICE FEES	12.00	22.00		
Docket Total:	1124.00	23142.01		

Processing and Service fees are assessed semi-annually in January and July.

Surcharges

Surcharge information is not available for the selected date range.

Payments

Collection Date	Receipt Number	Payment Source	Full Receipt Amount	On Hold	Backout Reason Description	Original Receipt Number
12/21/2023	12212023S1447383	WAGE ASSIGNMENT	715.17			
Amount Distributed by Docket: 2023058231			715.17			
12/26/2023	12262023S1729068	WAGE ASSIGNMENT	840.33			
Amount Distributed by Docket: 2023058231			840.33			

Held Monies

No held monies found.

Refunds

No refund information found.

This report may contain child support information and/or federal tax information (FTI) that is confidential pursuant to federal laws and regulations. 45 Code of Federal Regulations (CFR) 303.21; 26 United States Code (USC) 6103. Unauthorized use, disclosure, or distribution of this information is prohibited and may be subject to civil and criminal penalties, including fines and imprisonment. 45 CFR 303.21 (f); 26 USC 7213; 26 USC 7213A; 26 USC 7431. If you are not the intended recipient of this report, please contact the Office of Child Support at 517-373-9202 or MDHHS-OCS-Security@michigan.gov.



My Best Buy[®]
Visa[®] Card

Customer Service:
bestbuy.accountonline.com
Account Inquiries:
1-888-620-5879 (TTY: 711)

Send Notice of Billing Errors and Customer Service Inquiries to:
BEST BUY CREDIT SERVICES
PO Box 790441, St. Louis, MO 63178

Account Number: XXXXXXXXXXXX 2725

Summary of Account Activity

Previous Balance	\$1,975.62
Payments	-\$0.00
Other Credits	-\$0.00
Purchases	+\$0.00
Cash Advances	+\$0.00
Fees Charged	+\$40.00
Interest Charged	+\$46.01
New Balance	\$2,061.63
Past Due Amount	\$597.00

Credit Limit	\$0.00
Available Credit	\$0.00
Cash Advance Limit	\$0.00
Available Cash Limit	\$0.00
Amount Over Credit Limit	\$361.63
Statement Closing Date	11/25/2022
Next Statement Closing Date	12/27/2022
Days in Billing Cycle	29

Payment Information

New Balance	\$2,061.63
Minimum Payment Due	\$1,065.63
Payment Due Date	December 21, 2022

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee up to \$40.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	8 years	\$3,976
\$86	3 years	\$3,110 (Savings=\$866)

If you would like information about credit counseling services, call 1-877-337-8188 (TTY: 711).

272501

Please note that if we received your pay by phone or online payment between 5 p.m. ET and midnight ET on the last day of your billing period, your payment will not be reflected until your next statement.

Please update your phone number, including cell phone number on the back of the payment coupon.

TRANSACTIONS

Trans Date	Description	Reference #	Amount
FEES			
11/21	LATE FEE		\$ 40.00
TOTAL FEES FOR THIS PERIOD			\$ 40.00
INTEREST CHARGED			
11/25	INTEREST CHARGE ON PURCHASES		\$ 46.01
TOTAL INTEREST FOR THIS PERIOD			\$ 46.01

PLEASE SEE IMPORTANT INFORMATION ON PAGE 2.

Page 1 of 4

This Account is Issued by Citibank, N.A.

Please detach and return lower portion with your payment to ensure proper credit. Retain upper portion for your records.



PO BOX 6204
SIOUX FALLS, SD 57117-6204

Your Account Number is XXXXXXXXXXXX 2725



Payment Due Date **December 21, 2022**
New Balance **\$2,061.63**
Past Due Amount[†] **\$597.00**
Minimum Payment Due **\$1,065.63**

Amount Enclosed: \$

[†]Past Due Amount is included in the Minimum Payment Due. Please print address changes on the reverse side.

Make Checks Payable to ▼

Statement Enclosed

JOSEPH P WHYTE
APT 3143
2318 S COUNTRY CLUB DR
MESA, AZ 85210-8676

BEST BUY CREDIT SERVICES
PO BOX 79009
PHOENIX, AZ 85062-8009

07700 0106563 0206163 0120000 XXXXXXXXXXXX 2725 1811



0203500001355
0000 0000

FEB-RETAIL	xxxxx5565	Unknown
HUGHES FEDERAL CREDIT UN	xxxxxx9150	Unknown
COMENITY BANK/BUCKLE	xxxxxx3177	Unknown

Public Records

0

Collections

Items sent to internal or 3rd party debt collectors

15

Account Name	Original Creditor	Balance
NTL RECOVERY AGENCY	10 SRP SALT RIVER PROJECT	\$464
ASPEN NATIONAL COLLECTIO	05 COLORADO RIVER ADVENTURES INC	\$662
SENTRY CREDIT	09 THE STERLING	\$4,874
BERLIN - WHEELER INC - K	11 COX COMMUNICATIONS	\$170
I C SYSTEM	01 BANFIELD PET HOSPITAL	\$221
PORTFOLIO RECOVERY	08 SYNCHRONY BANK	\$2,130
CAPITAL ONE		\$6,157
MIDLAND CREDIT MANAGEMEN	01 CITIBANK N A	\$2,061
COMENITYCAPITALBANK/GOOD		\$888
IQ DATA INTERNATIONAL IN	09 SAN POSADA ARTS AZ	\$1,774
VERIZON WIRELESS - SOUTH		\$1,220
CREDIT COLLECTION SERVIC	06 GEICO SECURE CO	\$900
PORTFOLIO RECOVERY	08 SYNCHRONY BANK	\$1,244
CAPITAL ONE		\$2,812
ASPEN NATIONAL COLLECTIO	05 COLORADO RIVER ADVENTURES INC	\$7,747

FEB-RETAIL	xxxxx5565	Unknown
HUGHES FEDERAL CREDIT UN	xxxxxx9150	Unknown
COMENITY BANK/BUCKLE	xxxxxx3177	Unknown

Public Records 0

Collections 15

Items sent to internal or 3rd party debt collectors

Account Name	Original Creditor	Balance
NTL RECOVERY AGENCY	10 SRP SALT RIVER PROJECT	\$464
ASPEN NATIONAL COLLECTIO	05 COLORADO RIVER ADVENTURES INC	\$662
SENTRY CREDIT	09 THE STERLING	\$4,874
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CREDIT COLLECTION SERVIC	06 GEICO SECURE CO	\$900
PORTFOLIO RECOVERY	08 SYNCHRONY BANK	\$1,244
CAPITAL ONE		\$2,812
ASPEN NATIONAL COLLECTIO	05 COLORADO RIVER ADVENTURES INC	\$7,747

EXHIBIT 4

Exhibit

G

Defendant



Employment Offer Letter

November 1, 2022

Dear Diana,

We are pleased to offer you employment with Smith Chason College! Your position & department will be:

Nursing, Instructor

Your employment status will be: Full-time (30 – 40 hours per week)
 Part-time (29 hours or less per week)

Your scheduled days are: (may change to meet the needs of the Campus) As discussed

Your work hours are: (may change to meet the needs of the Campus) As discussed

Your starting hourly pay rate is: \$42.00/hour

Your first day of employment is: November 9, 2022

You will receive a 90-day orientation performance review. Thereafter, you can expect a performance review on your anniversary date, which will provide the opportunity for a salary increase based upon job performance. Wages are paid every other Friday. If your employment status is full-time (30-40 hours/week), you will be eligible for benefits on the first of the month following 30 days of full-time employment.

This offer is contingent upon successful completion of our pre-employment requirements which include but are not limited to; employment and/or personal reference checks, a driving record (if you will be driving a company vehicle), and an education verification (if a specific level of education is required). Should any of the pre-employment screenings come back as unfavorable, the employment relationship will be immediately terminated.

This letter does not constitute as an employment contract. Your employee relationship with Smith Chason College is "at will," which means that the employment relationship may be terminated at any time by either the company or the employee for any reason not expressly prohibited by law.

Smith Chason College is an excellent place to work, and we believe you will find your employment both challenging and rewarding. Should you have any questions, please feel free to contact me at ashley.castronova@wcui.edu or your supervisor, Kathy Doeschot, Director of Nursing, Kathryn.doeschot@wcui.edu

Sincerely,
Ashley Castronova, SHRM-CP, MHRM
Director of Human Resources

Kathryn - Doeschot
Supervisor Signature

11/7/22
Date

I hereby accept employment based on the conditions described in this offer letter. I understand that if I do not successfully complete all the pre-employment requirements, the offer of employment in this letter becomes null and void

[Signature]
Applicant Signature

11/21/2022
Date



EXHIBIT 5

JOSEPH PATRICK WHYTE

By Email

Re:

FC 2018-054263

Dear Mr. Kellers,:

July 26, 2023

I represent myself in respect to the above-referenced matter. The pleadings regarding child support modification require that I ask for discovery.

I request you provide the following information:

1. The name and address of your current employer(s);
2. Your job position and title;
3. A current and complete Affidavit of Financial Information;
3. Copies of your personal & business Federal Income Tax Returns, Form W-2s and 1099s for tax years 2020, 2021, and 2022 and 2023;
4. Copies of your wage statements for the past 6 months from both of your employers
5. Copies of all your personal & business bank account statements for the past 6 months which includes the Diana Hendershot Family Trust, capital one, bank of america, barclay and other investment accounts.
6. Copies of all checks from Lee Chotin for rental income along with all receipts from expenses including a break down of cashflow.
7. Statements and receipts regarding braxtons after school care and a full break down of time spent in someone else's custody.
8. Statements from all vacations in the last 1 year
9. .

Please provide us with the above-referenced documentation within 14 days of the date of this letter. Should it become necessary to subpoena these records or serve you with a Request for Production of Documents, please be advised that I will seek to recover all of my reasonable fees and costs. Therefore, you should give this matter your immediate attention.

Should you need to discuss these matters further, please do not hesitate to contact me.

Sincerely,

Joseph Whyte

EXHIBIT 6

From: [Joe Whyte](#)
To: [Sophia Bennett](#); [Jerica Thompson](#)
Subject: Fwd: Whyte v. Hendershot
Date: Thursday, June 6, 2024 5:40:40 PM
Attachments: [combinepdf \(6\).pdf](#)

----- Forwarded message -----

From: **Joe Whyte** <joe.whyte@gmail.com>
Date: Sun, Sep 24, 2023, 3:23 PM
Subject: Re: Whyte v. Hendershot
To: Charles Kellers <chas@kellerslaw.com>

Mr Kellers,

Please see the attached document. Its contents are self explanatory.

Thank you,

Joseph Whyte

On Sun, Sep 24, 2023 at 2:55 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Mr Kellers,

Unfortunately, your response has forced me to file a motion with the court to compel you to provide proper discovery. I have also mailed you the afi and discovery documents in the same manner you have claimed. However, this process is not in accordance with ARS statutes. If you are willing to provide them digitally as required by ars statute I would also be inclined to provide you with the digital copies I previously mailed to you. Given the ongoing intention of denying my legal rights I cannot in good faith provide you a different delivery method of my required discovery documents until you abide by the ARS guidelines for legal discovery process and immediately cease this intentional obfuscation of justice.

Furthermore, I see that you have stated on September 15th that you are not in receipt of my pay stubs or other discovery documents. I ask that you look through your emails as I do have records I have sent them to you. I will be addressing this through a motion to the court and will be including our communication. These communications show the digital delivery of multiple discovery requests to your office. Meanwhile, I have still not been provided any of the discovery requests mentioned in my official request. We are woefully afoul from ARS procedures and I implore you to honor your commitment to legal proceedings.

I emphatically urge you to abide by the ARS rules governing the legal procedure regarding discovery. Specifically, ARS § 12-2234: Requires parties to furnish documents during discovery according to customary business practices.

Your immediate attention to this matter is greatly appreciated.

Thank you,

Joseph Whyte

On Fri, Sep 15, 2023 at 2:47 PM Charles Kellers <chas@kellerslaw.com> wrote:

Mr. Whyte: Attached is my letter in response to your email re: the discovery requests. Its content is self-explanatory. Going forward, please do not copy our client on any of your emails pertaining to litigation matters.

From: Joe Whyte <joe.whyte@gmail.com>

Sent: Friday, September 15, 2023 10:29 AM

To: Charles Kellers <chas@kellerslaw.com>

Cc: Diana Hendershot <hendershot111@yahoo.com>

Subject: Re: Whyte v. Hendershot

Mr Kellers,

I hope this message finds you well. I am writing in response to your recent concern regarding the timeliness of my replies.

First and foremost, I wish to emphasize that I have made every effort to respond promptly and diligently to all communications in this matter. I understand the importance of efficient and transparent communication, particularly in legal proceedings.

Regarding the specific issue of communication timeliness, I have compiled a record of our recent exchanges:

On August 12th I sent an email with an official request for production

On August 14th, I replied to your email and provided an updated version with the correct petitioner name.

On August 1st I provided you with additional discovery requests

On July 27th I provided you with your discovery requests

I have yet to receive any production or discovery documents that are outlined in my formal request.

This record demonstrates my commitment to timely communication and compliance with the requirements set forth by relevant statutes. I am dedicated to upholding the principles of fairness and due process in this case.

If you have any specific concerns or if there is a particular communication that you believe has been unreasonably delayed, please provide further details, and I will address them promptly and professionally.

Efficient and respectful communication is essential to ensure that the legal process proceeds smoothly, and I remain committed to achieving a fair and just resolution of this matter.

Thank you for your understanding.

Best regards,

On Fri, Sep 15, 2023 at 1:20 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Mr Kellers,

My formal request was sent via email on August 12th. I have received no records from you sense then. I have received zero production documents by mail. Please send everything you have put together via email no later than 5pm Today.

Thank you,

Joseph Whyte

On Fri, Sep 15, 2023 at 1:07 PM Charles Kellers <chas@kellerslaw.com> wrote:

When did you serve your "formal" Request for Production of Documents? FYI, our client's Supplemental Disclosure Statement and Responses were mailed to you on September 13, 2023.

We still have not received your complete response to our client's discovery requests, and your responses are considerably past due. When will we get your responses to our client's discovery requests?

From: Joe Whyte <joe.whyte@gmail.com>

Sent: Thursday, September 14, 2023 8:19 PM

To: Charles Kellers <chas@kellerslaw.com>

Subject: Re: Whyte v. Hendershot

Mr Kellers,

When will I be receiving this information? We are well over the 40 day limit.

Thank you,

Joseph Whyte

On Thu, Aug 10, 2023 at 7:27 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Mr Kellers,

You are well over the date to deliver these items. Although you may have 40 days, you have missed this first deadline. I have already sent you everything. When do you expect to provide me with these documents?

On Wed, Jul 26, 2023 at 11:54 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Mr Kellers,

Please see the discovery request attached. It's contents are self explanatory.

Thank you,

Joseph Whyte

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EXHIBIT 7

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----
From: **Joe Whyte** <joe.whyte@gmail.com>
Date: Sat, Nov 11, 2023, 4:43 PM
Subject: Re: Hendershot v Whyte
To: Charles Kellers <chas@kellerslaw.com>

Chas,

Will you be sending me my discovery digitally in order to save the fees so I can use that on child support?

On Fri, Nov 10, 2023, 11:36 AM Joe Whyte <joe.whyte@gmail.com> wrote:
Considering I've requested these multiple times over the last 60 days and they still have not arrived, I think I'm going to opt for a runner unless you are willing to send them digitally.

On Fri, Nov 10, 2023, 12:35 PM Charles Kellers <chas@kellerslaw.com> wrote:
As indicated, the discovery responses have been mailed to you. You will be wasting money that would be better spent paying your child support.

From: Joe Whyte <joe.whyte@gmail.com>
Sent: Friday, November 10, 2023 11:31 AM
To: Charles Kellers <chas@kellerslaw.com>
Subject: Re: Hendershot v Whyte

I'm planning on sending a runner to your office to pick them up and to deliver my discovery.

On Fri, Nov 10, 2023, 12:22 PM Charles Kellers <chas@kellerslaw.com> wrote:
Mr. Whyte, our client's responses to your supplemental discovery requests were mailed to you today. Your responses to our client's discovery requests are still deficient.

From: Joe Whyte <joe.whyte@gmail.com>
Sent: Thursday, November 9, 2023 7:53 PM

To: Charles Kellers <chas@kellerslaw.com>

Subject: Re: Hendershot v Whyte

Mr Kellers,

Attached is my discovery you requested. I have provided this on September 29th via email. I also requested supplemental discovery on September 29th I still have not received any of your discovery documents even though I have requested this multiple times. It is becoming vexatious. I would like to offer to provide a runner who can pick up your discovery and drop off my discovery.

Will this resolve our discovery issues?

Thanks,

Joe



Virus-free. www.avast.com

On Thu, Oct 5, 2023 at 7:38 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Mr. Kellers,

You have sent all of your discovery digitally for all other hearings and trials. Can you help me understand why this time is different?

Thank you,

Joseph Whyte

On Sat, Sep 30, 2023 at 11:37 AM Joe Whyte <joe.whyte@gmail.com> wrote:

Mr Kellers,

I provide an incorrect ars statute. The correct ars statute for delivering discovery electronically was updated on January 1st of 2008. You can find the relevant case law below along with a link to this information here:

<https://mcrazlaw.com/a-primer-on-arizonas-e-discovery-rules-2-pima-county-attorney/>

Rule 16(b) requires that the parties schedule electronic information disclosure deadlines. It also empowers the court to enter orders regarding the discovery of electronic information, the form of production of electronic information, the preservation of electronic information and mutual agreements between the parties for asserting claims of privilege.

Rule 16.3 requires that the parties consider requirements or limitations for the discovery, preservation and protection of electronic information.

Rule 26(b) provides that a party need not provide discovery of electronic information if the information is not reasonably accessible and production would be unduly burdensome. However, the court may still order disclosure if the requesting party shows good cause.

Rule 26.1 requires that parties disclose a list of all relevant electronically stored information known by the parties to exist. Parties must serve a copy of the electronically stored information unless good cause is shown, in which case they must provide the name and address of the custodian of the information. It also provides for the protection of inadvertently disclosed privileged material.

Rule 34 allows parties to serve requests for production of electronic information upon each other and to specify the form or forms in which the information is to be produced.

Rule 37(g) protects parties from sanctions if electronic information is lost as the result of a routine, good-faith operation of an electronic information system.

Rule 45 allows parties to subpoena electronic information from non-parties.

I steadfastly am committed to a fair and judicious legal proceeding. When do you think I can expect the electronic delivery of my discovery requests?

Thank you,

Joseph Whyte

On Fri, Sep 29, 2023, 2:04 PM Joe Whyte <joe.whyte@gmail.com> wrote:
Mr Kellers,

Please see the attached request for supplemental discovery that was sent on September 27th.

Thank you,

Joseph Whyte

On Fri, Sep 29, 2023 at 12:24 PM Joe Whyte <joe.whyte@gmail.com> wrote:
Mr Kellers,

Please see the combined afi, along with my bank statements and most recent check pay stubs in digital format as required by ARS § 12-2804 (C) states that discovery may be obtained through "electronic means," and ARS § 12-2805 highlights the requirement for producing parties to provide documents "as they are kept in the usual course of business.

I ask that you send your discovery and AFI documents via electronic means. I still have not received your AFI or appropriate discovery products I requested in August.

I am steadfastly committed to a fair legal process and deeply hope you provide these materials in the requested format according to ARS law.

Thank you,

Joseph Whyte

Thank you,

On Thu, Sep 28, 2023 at 2:15 PM Joe Whyte <joe.whyte@gmail.com> wrote:
I was referring to the completeness of the discovery process and your requests. I do everything digital while you do everything by mail. I sent the mailed documents however the afi and bank statements will be complete and sent to you in its completeness by the end of this week digitally.

I hope this clears things up

On Thu, Sep 28, 2023 at 1:52 PM Charles Kellers <chas@kellerslaw.com> wrote:

Mr. Whyte, your email to me dated September 27, 2023 states as follows:

I am writing to notify you that my AFI will be complete by the end of this week along with my bank statements which should update you with all of your requests as we approach our hearing.

If you have already mailed us your AFI, you must have just put it in the mail after you sent me your email on September 27, 2023. As indicated, we have already provided you with our client's timely response to your Request for Production of Documents. Your September 27, 2023 email requests additional information. When we receive your formal Request for Production, our client will respond to your requests within a timely manner.

From: Joe Whyte <joe.whyte@gmail.com>
Sent: Thursday, September 28, 2023 9:34 AM
To: Charles Kellers <chas@kellerslaw.com>
Subject: Re: Hendershot v Whyte

Mr Kellers,

I did mail you my afi. I am preparing to send them digitally to ensure that you have received them. That is all.

I have provided a formal document however I will send another one to satisfy your requirements.

Thank you,

Joseph Whyte

On Thu, Sep 28, 2023 at 12:31 PM Charles Kellers <chas@kellerslaw.com> wrote:

Mr. Whyte, as previously indicated, so that we can maintain an accurate record of the discovery requests in these proceedings, please provide us a formal Request for Production of Documents and Things and our client will respond to your requests in a timely manner. We have always memorialized our client's discovery requests in a formal Request for Production of Documents, and we would request that you do the same.

Furthermore, as previously indicated in my prior correspondence, your discovery responses are woefully incomplete and past due. We have been waiting months to receive your Affidavit of Financial Information and bank statements. You recently indicated that these documents were in the mail. Obviously, this was not a truthful statement. Please call me to discuss these matters further.

From: Joe Whyte <joe.whyte@gmail.com>
Sent: Wednesday, September 27, 2023 5:23 PM
To: Charles Kellers <chas@kellerslaw.com>
Subject: Hendershot v Whyte

Mr Kellers,

I am writing to notify you that my AFI will be complete by the end of this week along with my bank statements which should update you with all of your requests as we approach our hearing.

Supplemental Requests:

I am asking that you provide the following:

- Up to date bank statement
- Confirmation of my sons entrance back into school
- A record of all expenses for your clients rental property along with deposits
- Explanation of why your client would still be incurring the same fees she was during summer v now when he is in school.
- Can you also provide me with a justification for the continued trust withdrawals? It is my understanding this trusts name is called "The Diana June Hendershot Family Trust". It appears as though this was established by petitioner and not a gift setup by her mother.
- **Updated Schedule D or B income tax forms for the last three years as well.**

Thank you,

Joseph Whyte

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EXHIBIT 8

Joseph Patrick Whyte
Telephone: 248-979-2672
Email: Joe.Whyte@gmail.com
Attorney for Respondent

FAMILY COURT

COUNTY OF MARICOPA

IN RE THE MATTER OF:

JOSEPH PATRICK WHYTE

PETITIONER

vs.

DIANA JUNE HENDERSHOT

Respondent

) **Case: fc2018-054263**

)

)

) **SUPPLEMENTAL REQUEST FOR
PRODUCTION**

)

) **(P/A to the Hon. ANDREW RUSSEL)**

SUPPLEMENTAL REQUEST FOR PRODUCTION

Mr Kellers,

According to the procedures according to legal proceedings related to discovery, I am requesting again that all discovery production be provided by digital means. In addition, please find the additional supplemental requests I have listed below within 10 days.

Supplemental Requests:

I am asking that you provide the following:

- Up to date bank statement
- Confirmation of my sons entrance back into school
- A record of all expenses for your clients rental property along with deposits
- Explanation of why your client would still be incurring the same fees she was during summer v now when he is in school.
- Can you also provide me with a justification for the continued trust withdrawals? It is my understanding

this trusts name is called "The Diana June Hendershot Family Trust". It appears as though this was established by petitioner and not a gift setup by her mother.

- Updated Schedule D or B income tax forms for the last three years as well.

Sincerely,

Joseph Whyte

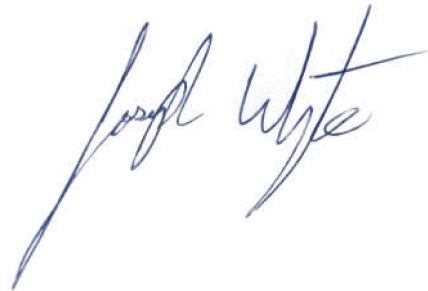
A handwritten signature in blue ink that reads "Joseph Whyte". The signature is written in a cursive style with a long, sweeping underline for the first name.

EXHIBIT 9

From: [Joe Whyte](#)
To: [Sophia Bennett](#); [Jerica Thompson](#)
Subject: Fwd: Picking up my discovery
Date: Thursday, June 6, 2024 5:36:34 PM

----- Forwarded message -----
From: **Joe Whyte** <joe.whyte@gmail.com>
Date: Sun, Nov 19, 2023, 7:11 PM
Subject: Re: Picking up my discovery
To: Charles Kellers <chas@kellerslaw.com>

Mr Kellers,

If you do not provide me with my discovery you will be forcing me to hire an attorney. We will requesting attorney fees due to your unreasonable behavior.

We can avoid this if you send me everything via email by 11/20/2023.

Thanks,

Joe Whyte

On Tue, Nov 14, 2023, 5:06 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Id rather we communicate via email so it's documented.

How would you like to proceed Mr Keller?

I'm currently waiting for a call back from the police to do a civil standby to obtain these documents. I hope you decide to work with us

On Tue, Nov 14, 2023, 3:03 PM Charles Kellers <chas@kellerslaw.com> wrote:

Mr. Whyte: You are free to call me to discuss the discovery issues.

From: Joe Whyte <joe.whyte@gmail.com>
Sent: Tuesday, November 14, 2023 2:11 PM
To: Charles Kellers <chas@kellerslaw.com>
Subject: Re: Picking up my discovery

Your prompt attention to this is extremely important. I wish to resolve this amicably.

If I am not given an option for a runner or to receive my discovery digitally by end of day I will file a motion to compel.

On Tue, Nov 14, 2023, 1:47 PM Joe Whyte <joe.whyte@gmail.com> wrote:

How would you like to proceed?

I have not received your mailed discovery. If you refuse me picking them up, refuse a runner and refuse to send them digitally you will leave me no choice but to file an order to compel with sanctions.

Please let me know how you would like to proceed.

On Tue, Nov 14, 2023, 1:43 PM Charles Kellers <chas@kellerslaw.com> wrote:

Mr. Whyte, there is nothing for you to pick-up. As previously indicated, our client's responses were mailed to you at your address of record. Furthermore, since you have been diagnosed with mental health issues and have made prior threats of physical harm towards me, please be advised that the police will be called if you enter the premises.

From: Joe Whyte <joe.whyte@gmail.com>

Sent: Tuesday, November 14, 2023 12:09 PM

To: Charles Kellers <chas@kellerslaw.com>

Subject: Picking up my discovery

Charles, I'll be at your office today at 2:00 to pick up my discovery. Please have it ready.

EXHIBIT 10

From: [Joe Whyte](#)
To: [Sophia Bennett](#); [Jerica Thompson](#)
Subject: Fwd: Hendershot/Whyte Child Support Conference and Hearing FC2018-054264 January 10, 2024 at 1:30 p.m.
Date: Thursday, June 6, 2024 5:39:26 PM

----- Forwarded message -----

From: Joe Whyte <joe.whyte@gmail.com>
Date: Wed, Jan 10, 2024, 3:33 PM
Subject: Re: Hendershot/Whyte Child Support Conference and Hearing FC2018-054264 January 10, 2024 at 1:30 p.m.
To: Charles Kellers <chas@kellerslaw.com>
Cc: CSSEag <csseag@azag.gov>

I have not received a call yet. My number is 248-979-2672

On Wed, Jan 10, 2024 at 1:53 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Here is a letter from my parents who have witnessed my actions and events over the last couple of years.

On Tue, Jan 9, 2024, 4:25 PM Joe Whyte <joe.whyte@gmail.com> wrote:

I still have not received the following.

- 2023 bank statements
- 2023 capital one account statements
- 2023 Barclays statements
- 2023 myrill lynch statements
- 2023 Prudential statements

I have filled a motion to compel which was denied which has allowed opposing council the unchecked ability to deny my due process.

Please, may I have these records?

On Tue, Jan 9, 2024, 4:07 PM Joe Whyte <joe.whyte@gmail.com> wrote:

Is it possible for mr Kellers to provide full discovery? He still hasn't.

On Tue, Jan 9, 2024, 4:01 PM Charles Kellers <chas@kellerslaw.com> wrote:

Attention Lindsay Brook Huckaby: We were able to get our client's 2023 December year-end account statement, which will replace Diana Hendershot's November Year-to-date statement (Petitioner's Exhibit No. 5).

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