

Description	Amount
CASE# CV2010-050624	
CIVIL NEW COMPLAINT	301.00
TOTAL AMOUNT	301.00
Receipt# 20284905	

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Attorneys for Plaintiff

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

REBECCA BEASLEY, individually as the
surviving spouse of ORVILLE THOMAS)
BEASLEY III, and as personal representative)
of the ESTATE OF ORVILLE THOMAS)
BEASLEY III; and ORVILLE THOMAS)
II and ANNA ELIZABETH BEASLEY,)
husband and wife, and parents of ORVILLE)
THOMAS BEASLEY III.)

Plaintiffs,)

v.)

JOHN C. STUART and JANE DOE)
STUART, a married couple; JOHN and)
JANE DOES I-V; BLACK & WHITE)
CORPORATIONS VI-X; and ABC)
PARTNERSHIPS XI-XV;)

Defendants.)

NO. CV2010-050624

COMPLAINT

(Tort: Non-Motor Vehicle)

JURY TRIAL REQUESTED

Plaintiffs Rebecca Beasley, as surviving spouse and as personal representative of the Estate
of Orville Thomas Beasley III, and Orville Thomas II and Anna Elizabeth Beasley, for their
Complaint against Defendants, allege as follows:

JURISDICTION, VENUE AND PARTIES

1. Plaintiff Rebecca Beasley (hereinafter Rebecca) was, at all times material hereto, a resident of the County of Maricopa, State of Arizona.
2. Plaintiffs Orville Thomas II and Anna Elizabeth Beasley were, at all times material hereto, residents of the State of Texas.

- 1 3. Plaintiff Rebecca Beasley is the surviving spouse of Orville Thomas Beasley III (hereinafter
2 Thomas), the deceased, and brings this action pursuant to A.R.S. §§ 12-611 & 12-613.
- 3 4. Upon information and belief, John C. Stuart was, at all times material hereto, a resident of
4 the County of Maricopa, State of Arizona.
- 5 5. Defendant was husband and wife and, at all times material hereto, were acting on behalf of
6 their marital community as well as themselves.
- 7 6. Defendants JOHN and JANE DOES I-V, BLACK & WHITE CORPORATIONS VI-X, and
8 ABC PARTNERSHIPS XI-XV, are fictitious Defendants, the true names and capacities
9 whether individual, corporate, associate or otherwise, are unknown to Plaintiffs at this time.
10 Plaintiffs therefore sues said Defendants by such fictitious names and will ask for leave of
11 this Court to amend this Complaint should and as their true and names be ascertained.
12 7. Defendant has caused events to occur in the State of Arizona, which events are the subject
13 matter out of which the claims alleged in this Complaint arise.
- 14 8. That venue and jurisdiction is proper in this court for the Superior Court of the State of
15 Arizona.
16
17

18 **GENERAL ALLEGATIONS**

- 19 9. On the evening of January 29, 2008, Thomas, the driver, and Rebecca, passenger, traveled
20 westbound on Pinnacle Peak Road, Scottsdale Arizona. At the same date and time, Stuart,
21 in a different vehicle located behind Thomas, also traveled westbound on Pinnacle Peak
22 Road.
23
- 24 10. While the vehicles traveled westbound Stuart attempted to illegally pass several other
25 vehicles that were traveling in front of his vehicle.
- 26 11. In order to pass the vehicles in front of him Stuart exceeded the posted speed limit.
12. After passing these vehicles Stuart attempted to re-enter the correct lane of traffic. When

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Stuart re-entered the correct traffic lane he cut-off Thomas's vehicle.

13. Subsequently, the traffic traveling west on Pinnacle Peak Road came to a red traffic signal at Tatum Road.

14. At the red-light, Thomas guided his vehicle into the left-hand turn lane in order to proceed south onto Tatum Road.

15. When Thomas proceeded west into the left-hand turn lane and came to a halt, Stuart shouted insults at the occupants of Thomas's vehicle.

16. Stuart pulled his vehicle out in front of Thomas's vehicle, blocking it.

17. After hearing Stuart's insults and being unable to move his vehicle, Thomas exited his vehicle and started to walk over to Stuart's vehicle.

18. At this time, Stuart began to maneuver his vehicle backward and then forward in an attempt to strike Thomas with his vehicle.

19. Shortly after Thomas reached Stuart's vehicle, Stuart displayed a hand-gun to Thomas.

20. Upon seeing the weapon Thomas slowly walked backwards, with his hands in the air, in an attempt to return to his vehicle.

21. While Thomas retreated Stuart fired the gun, fatally wounding Thomas.

22. Stuart then left the area and was later apprehended by the police.

COUNT I

Wrongful Death

Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if fully set forth herein.

23. As a direct and proximate result of Defendant's wrongful conduct, Plaintiffs have suffered and will continue to suffer a loss of love, affection, companionship, care, and protection from Thomas as well as pain, grief, sorrow, anguish, stress, shock and mental suffering.

1 24. Defendant is liable for the brutal murder of Thomas. As a result of Defendant's wrongful
2 acts Plaintiffs have suffered the following injuries and damages:

- 3 a. Psychological and emotional damages, shock and grief as a result of the acts of the
4 assault inflicted upon their husband and son, resulting in serious personal injuries,
5 suffering and the wrongful death of Thomas.
6
7 b. Loss of companionship and consortium with their husband and son, Thomas, as a
8 result of his wrongful death.
9
10 c. Past and future medical expenses including counseling services.
11
12 d. Loss of earnings and other incidental damages as a result of the injury and death of
13 Thomas including funeral and burial expenses.

14 **COUNT II**

15 **Recklessness and Gross Negligence**

16 Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if
17 fully set forth herein.

18 25. Defendant owed a common law and statutory duty to Plaintiffs and Thomas.

19 26. Defendant breached his common law and statutory duties by acting with a conscious
20 indifference and/or gross disregard for the safety, protection and welfare of Thomas, all
21 amounting to Defendant's recklessness and gross negligence.

22 27. As a direct and proximate result of Defendant's recklessness and gross negligence, Plaintiffs
23 have suffered the following injuries:

- 24 a. Psychological and emotional damages, shock and grief as a result of the acts of the
25 assault inflicted upon their husband and son, resulting in serious personal injuries,
26 suffering and the wrongful death of Thomas.
b. Loss of companionship and consortium with their husband and son, Thomas, as a

1 result of his wrongful death.

2 c. Past and future medical expenses including counseling services.

3 d. Loss of earnings and other incidental damages as a result of the injury and death of
4 Thomas including funeral and burial expenses.

5 **COUNT III**

6 **Negligence**

7
8 Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if
9 fully set forth herein.

10 28. In committing the common law and statutory breaches, as described above, Defendant,
11 failed to exercise the minimum degree of care, skill and due diligence expected of a
12 reasonable person when he fired a weapon at Thomas.

13 29. As a direct and proximate result of Defendant's negligence as set forth herein, Plaintiffs
14 have suffered the following injuries and damages:
15

16 a. Psychological and emotional damages, shock and grief as a result of the acts of the
17 assault inflicted upon their husband and son, resulting in serious personal injuries,
18 suffering and the wrongful death of Thomas.

19 b. Loss of companionship and consortium with their husband and son, Thomas, as a
20 result of his wrongful death.

21 c. Past and future medical expenses including counseling services.

22 d. Loss of earnings and other incidental damages as a result of the injury and death of
23 Thomas including funeral and burial expenses.
24

25 **COUNT IV**

26 **Intentional Infliction of Emotional Distress**

Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if

1 fully set forth herein.

2 30. In committing the common law and statutory breaches, as described above, Defendant
3 committed conduct that was outrageous.

4 31. Defendant's wrongful conduct was intentional and was the cause of Plaintiff Rebecca
5 Beasley's severe emotional distress.

6 32. Plaintiff has suffered physical symptoms as a result of the severe emotional distress
7 intentionally inflicted upon them by Defendant.
8

9 **COUNT V**

10 **Negligent Infliction of Emotional Distress**

11 Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if
12 fully set forth herein.

13 33. In committing the common law and statutory breaches, as described above, Defendant
14 committed conduct that was negligent.

15 34. Defendant's negligence caused Plaintiff Rebecca Beasley to experience shock and mental
16 anguish.
17

18 35. Defendant's negligence caused an unreasonable risk of bodily harm to Plaintiff Rebecca
19 Beasley.
20

21 36. Defendant's wrongful conduct caused Plaintiff Rebecca Beasley emotional distress that
22 resulted in physical illness.

23 37. That as a direct and proximate result of Defendant's wrongful conduct Plaintiff Rebecca
24 Beasley suffered emotional distress and physical illness all to her general damage.
25

26 **COUNT VI**

Assault

Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if

1 fully set forth herein.

2 38. Defendant assaulted Thomas and Rebecca Beasley when Defendant attempted to strike
3 them with his vehicle, and when Defendant displayed and fired his gun at Thomas.

4 39. Defendant intended to cause harm or offensive contact with Thomas and Rebecca, or cause
5 Thomas and Rebecca apprehension of an immediate harmful or offensive contact, and in
6 fact caused Thomas and Rebecca apprehension of immediate harmful or offensive contact.
7

8 40. As direct and proximate result of Defendant's assault Thomas and Rebecca suffered
9 damages.

10 **COUNT VII**

11 **Battery**

12 Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if
13 fully set forth herein.
14

15 41. Defendant committed battery against Thomas when Defendant fired his gun at Thomas,
16 striking Thomas and resulting in his death.

17 42. Defendant intended to cause harm or offensive contact with Thomas, or to cause Thomas
18 apprehension of immediate harmful or offensive contact; and caused harmful or offensive
19 contact with Thomas.
20

21 43. As a direct and proximate result of Defendant's battery Thomas died.

22 **Count VIII**

23 **Punitive Damages**

24 Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs as if
25 fully set forth herein.
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44. Defendant acted with an evil mind.

45. Defendant intended to cause injury to Plaintiffs.

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46. Defendant's wrongful conduct as stated herein was motivated by spite or ill will.

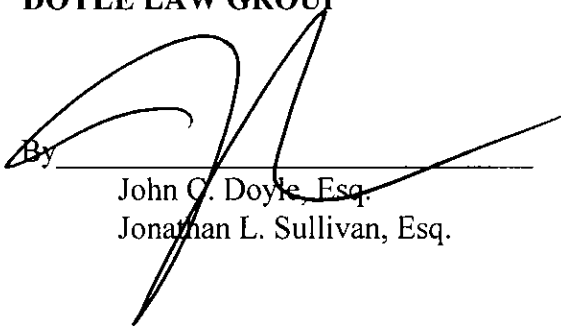
47. Defendant's consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others.

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For damages in an amount to compensate them fairly and fully for the wrongful death or their husband and son, Thomas Beasley;
2. General damages in an amount to be determined at trial;
3. Punitive damages in an amount deemed just and reasonable against the Defendant as alleged herein;
4. That the costs of this action be assessed against Defendant and in favor of Plaintiffs; and
5. Any other and further relief that this Court deems just and proper.

DATED this 13th day of January, 2010.

DOYLE LAW GROUP

By  _____
John C. Doyle, Esq.
Jonathan L. Sullivan, Esq.