

Exhibit #1

PHOENIX POLICE DEPARTMENT REPORT

ORIGINAL

PAGE NUMBER: 1

DR NUMBER: 2008 80169255

REPORT DATE: 20080130 TIME: 0454

TYPE OF REPORT: HOMICIDE

PUBLIC RECORDS

OFFENSE: 451

PROSECUTION DESIRED: YES

SUSPECT[S]: BOOKED

BOOKING VICTIM NOTIFIED: YES

LOCATION: N TATUM BOULEVARD
E PINNACLE PEAK ROAD

BEAT: 0635 GRID: EF39

DATE/TIME OF OCCURRENCE: TUE 012908 2111 / TUE 012908 2129

REPORTING OFFICER[S]: PAUL DALTON

5174 UNIT: C34

PREMISES: STREET/ROADWAY/ALLEY

OCCUPIED: NO

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

PHOTOGRAPHS TAKEN: YES BY: A4014

REPORT DISPOSITION: CLEARED BY ARREST

OVER AGE 18: YES

REPORT STATUS AT PRESENT: CLOSED

**** SUSPECT INFORMATION ****

ARRESTED PERSON-01:

NAME: STUART, JOHN CHESTER [**FLED**]

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: W SEX: M AGE: 45 DOB: [REDACTED] 62 HT: 508 WT: 190

HAIR: BRO EYES: BLU SSN: [REDACTED]

HOME: 003540 E EXPEDITION WAY APT/SUITE:

PHOENIX AZ ZIP CODE: 85050

LEVEL OF FORCE : RESTRAINT, JOINT LOCKS, PRESSURE PTS, OR CUFFS

ARREST:

DATE: 012908 TIME: 2120 DAY: TUE GRID: EF33

LOC: 023400 N CAVE CREEK ROAD PHOENIX AZ

PHX.P.D. BOOKING NO: 200801300180

RIGHTS ADVISED: YES TIME: 0300 OFFICER: 5174

**** VICTIM INFORMATION ****

VICTIM -01:

NAME: BEASLEY, ORVILLE THOMAS [**DECEASED**]

2008 80169255

Continued.

PHOENIX POLICE DEPARTMENT REPORT

ORIGINAL

PAGE NUMBER: 8

DR NUMBER: 2008 80169255

**** NARRATIVE ****

ON 01-29-08 AT 2200 HOURS, I WAS CONTACTED AT HOME BY SERGEANT KAREN VANCE #4557 TO RESPOND TO TATUM BOULEVARD AND PINNACLE PEAK ROAD TO CONDUCT A HOMICIDE INVESTIGATION. I ARRIVED AT 2245 HOURS AND WE WERE EVENTUALLY BRIEFED BY SERGEANT IN TRAINING (SIT) KEVIN JOHNSON #5176 OF THE CIRCUMSTANCES OF EVENTS UP TO THAT POINT. AFTER THE BRIEFING SERGEANT VANCE ASSIGNED ME AS THE CASE AGENT. I INTERVIEWED REBECCA BEASLEY AND CYNTHIA CANTRELL.

DURING THE BRIEFING, I LEARNED THAT VICTIM ORVILLE (TOM) BEASLEY WAS SHOT AND KILLED BY JOHN STUART DURING AN ARGUMENT BETWEEN THE TWO. THIS ARGUMENT STEMMED FROM WORDS BEING EXCHANGED FROM EACH VEHICLE WHILE WAITING FOR THE LIGHT TO CHANGE AT TATUM AND PINNACLE PEAK ROAD.

AFTER THE SHOOTING, STUART LEFT THE SCENE WITH HIS FIANCE CYNTHIA (CINDY) CANTRELL TO THEIR RESIDENCE LOCATED AT 3540 EAST EXPEDITION WAY. WITNESSES BALDEU SANGHA AND ALASTAIR STELL FOLLOWED THEM THERE. STUART WENT IN THE HOUSE AND THEN LEFT. HE WAS STOPPED AND PLACED IN CUSTODY AT PINNACLE PEAK AND CAVE CREEK ROAD BY RESPONDING OFFICERS. CANTRELL LEFT THE HOUSE PRIOR TO STUART IN HER VEHICLE AND LATER CALLED 911 WHILE TRAVELING TO HER FATHER'S HOUSE. SHE WAS CONTACTED AT THE 101 AND SCOTTSDALE ROAD.

REBECCA BEASLEY WAS WITH TOM BEASLEY WHEN THE SHOOTING OCCURRED. I INTERVIEWED HER FIRST IN THE MOBILE COMMAND VAN AT THE SCENE. AT 0021 HOURS, I STARTED THE INTERVIEW WITH REBECCA. THE INTERVIEW WAS AUDIO TAPED AND THE FOLLOWING IS A BRIEF SYNOPSIS OF THAT INTERVIEW.

REBECCA SAID HER AND TOM WERE COMING HOME FROM A RESTAURANT NAMED GREASEWOOD FLAT WHERE THEY HAD A HAMBURGER WITH SOME FRIENDS. THEY WERE TRAVELING WEST ON PINNACLE PEAK ROAD WHEN A VEHICLE (THAT SHOT MY HUSBAND) PASSED THEM IN THE LEFT LANE CROSSING THE DOUBLE YELLOW LINES. REBECCA SAID THEY WERE TRAVELING 55 MILES PER HOUR BECAUSE SHE NOTED THAT AFTER THE (SUSPECT) VEHICLE PASSED THEM. THE SPEED LIMIT IS 50 MPH ON PINNACLE PEAK ROAD AND THEY WERE TRAVELING 5 MPH OVER THE SPEED LIMIT.

REBECCA SAID THEY GOT TO TATUM WHERE THEY WERE GOING TO TURN LEFT (SOUTH). SHE SAW THE VEHICLE THAT PASSED THEM ON THEIR (HER) RIGHT. SHE SAID SHE LOOKED OVER TO THE DRIVER AND HE ROLLED DOWN HIS WINDOW AND GAVE HER THE FINGER. HER HUSBAND ROLLED DOWN HER WINDOW AND THE SUSPECT SAID, "YOUR WIFE IS A CUNT". REBECCA SAID TOM GOT UPSET AND OPENED HIS DOOR. REBECCA GRABBED TOM AND TOLD HIM, "NO, NO, NO". HE TOLD HER TO LET GO OF HIM.

REBECCA SAID THE SUSPECT THEN PULLED HIS VEHICLE (TOYOTA FJ CRUISER) DIAGONALLY IN FRONT OF THEIR ISUZU. TOM WENT AROUND THEIR CAR TO HIS (STUART'S) WINDOW AND GOT SHOT. I ASKED REBECCA IF SHE SAW WHAT HER HUSBAND DID. SHE SAID TOM DID NOT GET TO HIS (STUART'S) CAR BEFORE HE GOT SHOT. REBECCA GOT OUT SCREAMING. STUART PULLED HIS CAR BACK AND DROVE WEST ON PINNACLE PEAK. SHE DESCRIBED THE STUART'S VEHICLE AS A BIG DARK VEHICLE. REBECCA THOUGHT SHE HEARD SOMEONE IN THE SUSPECT VEHICLE SAY,

2008 80169255

Continued.

Exhibit #2

DL Investigations & Attorney Support I
1717 E. Morten Ave., Ste. 100
Phoenix, AZ 85020
(602) 285-9901

Inv. #

77566

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

ORIGINAL DOCUMENT
HAS BEEN FILED

REBECCA BEASLEY; ET AL.

Plaintiff / Petitioner,

vs.

JOHN C. STUART AND JANE DOE STUART; ET AL.

Defendant / Respondent.

NO. CV2010-050624

CERTIFICATE OF SERVICE

Holly Partain, the undersigned certifies under penalty of perjury: That I am fully qualified pursuant to RCP 4 (d), 4 (e), 45 (b) and/or ARS 13-4072, to serve process in this case, and received for service the following documents in this action:

SUMMONS AND COMPLAINT, CERTIFICATE OF ARBITRATION, DEMAND FOR JURY TRIAL

from John C. Doyle c/o Doyle Law Group on 3/25/10 ;
that I personally served copies of these documents on those named below in the manner and time and place shown; and except where noted, all services were made in Maricopa County, Arizona.

NAME: JOHN C. STUART

DATE & TIME: 3/29/10 9:37AM

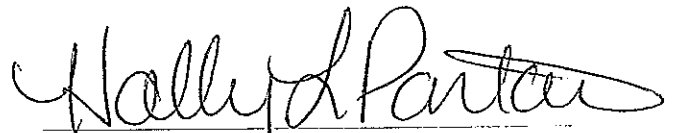
PLACE & MANNER: 101 W. JEFFERSON #711 PHOENIX, AZ, a public place.

MANNER: In person.

Description of the Named: Male, Age: 50'S, Ht: 5' 8in., Wt: 200, Eyes: BLUE, Hair: BROWN, Ethnicity: CAUC., Other: BEARD

Statement of Costs

Services	\$16.00
Mileage	\$16.00
Sp. Handl.	
Witness	
Advances	
Cert. Prep	\$10.00
Other	
Total	\$42.00



Affiant - Registered in
Maricopa County

Exhibit #3

1 JOHN STUART, *Pro per*
2 10407 W. Trumbull Road
3 Tolleson, Arizona (85353)
4 Phone # (480) 232-0606
5 <themobinem@aol.com>

6 John Stuart, *Sui Juris*
7 Authorized Representative

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 JOHN STUART,

11 Plaintiff,

12 vs.

13 **Paul McMurdie**, individually, and in his
14 official capacity as a Judge of the Maricopa
15 County Superior Court, State Of Arizona;
16 and **Susie Charbel**, individually, and in her
17 official capacity as a Prosecutor of the
18 County of Maricopa, State Of Arizona; and
19 **Paul Dalton**, individually, and in his
20 official capacity as a Police Detective of the
21 City of Phoenix, State of Arizona; and **Al**
22 **Shearer**, individually, and in his official
23 capacity as a Police Detective of the City of
24 Phoenix, State of Arizona; and **John**
25 **Johnson**, individually, and in his official
26 capacity as a Public Defender of the
27 Maricopa County Superior Court, State Of
28 Arizona; and **Tyler Harrison**, individually,
and in his official capacity as a Public
Defender of the Maricopa County Superior
Court, State Of Arizona; and **Robert E.**
Lyon, DO, individually, and in his official
capacity as Maricopa County Medical
Examiner, State Of Arizona

Defendants

Case No.

VERIFIED COMPLAINT

ALLEGING:

(1) VIOLATION OF PLAINTIFF'

CIVIL RIGHTS; AND

(2) CIVIL CONSPIRACY TO VIOLATE

PLAINTIFF' CIVIL RIGHTS; AND

(3) INTENTIONAL OR NEGLIGENT

INFLICTION OF EMOTIONAL

DISTRESS; AND

(4) ALIENATION OF AFFECTION OF

FAMILY AND FIANCE / COMMON

LAW WIFE

(Trial by Jury Demanded)

1 Comes Now, a natural flesh and blood man known to God as His Servant, yet
2 known to other Men by the name John Stuart, *sui juris*, and the sole Authorized
3 Representative for the *ens legis* known to this and all Courts as JOHN STUART,
4 commencing this action in the interest of justice in an attempt to amicably settle and
5 equitably resolve the purposeful damage caused by defendants in violation of
6 defendants duties, ethics, and morals, and under color of State Law.
7

8 Plaintiff has NO other remedy available as Plaintiff has been threatened with being
9 falsely imprisoned under contempt of court if Plaintiff attempts any remedy in Arizona.
10

11 Pursuant to, *inter alia*, 42 U.S.C.A. § 1983, JOHN STUART, [STUART or
12 “Plaintiff”] through undersigned agent, *sui juris*, sues defendants and alleges:
13

14 I. INTRODUCTION.

15 1. This Complaint concerns an ongoing criminal court case filed by THE STATE OF
16 ARIZONA, on or about July 11, 2008, [*due to a Grand Jury remand from a case*
17 *originating in January, 2008*], *inter alia*, against JOHN STUART in the Superior Court of
18 Arizona, County of Maricopa, Case No. CR2008-106594-001.

19 2. This Complaint concerns the conduct of above captioned defendants, **Paul McMurdie**,
20 individually, and in his official capacity as a Judge of the Maricopa County Superior
21 Court, State Of Arizona; and **Susie Charbel**, individually, and in her official capacity as a
22 Prosecutor of the County of Maricopa, State Of Arizona; and **Paul Dalton**, individually,
23 and in his official capacity as a Police Detective of the City of Phoenix, State of Arizona;
24 and **Al Shearer**, individually, and in his official capacity as a Police Detective of the City
25 of Phoenix, State of Arizona; and **John Johnson**, individually, and in his official capacity
26 of Phoenix, State of Arizona; and **John Johnson**, individually, and in his official capacity
27
28

1 as a Public Defender of the Maricopa County Superior Court, State Of Arizona; and **Tyler**
2 **Harrison**, individually, and in his official capacity as a Public Defender of the Maricopa
3 County Superior Court, State Of Arizona; and **Robert E. Lyon, DO**, individually, and in
4 his official capacity as Maricopa County Medical Examiner, Defendants.
5

6 3. As explained below, the conduct of defendants in the criminal case have crossed the
7 thin line from discretion to disregard for and violation of Plaintiff's God given rights,
8 including violation of the Plaintiff's Civil Rights found in the United States Constitution,
9 specifically, the Fifth and Fourteenth Amendments, and Plaintiff's Rights under Arizona
10 law and the Arizona Constitution.
11

12 4. As a direct result of defendants violations of Plaintiff's Civil Rights, and in accordance
13 with, *inter alia*, 42 U.S.C.A. § 1983, Plaintiff has suffered, and will continue to suffer,
14 damages, as described in this Complaint, as well as continue to incur litigation expenses as
15 authorized by 42 U.S.C.A. § 1983, in the amount of at least Eight Million Dollars
16 (\$8,000,000.00), an amount above the minimum required for the Court's jurisdiction,
17 which amount shall be determined accurately according to proof at trial.
18

19 **II. JURISDICTION, VENUE AND PARTIES.**

20
21 5. Plaintiff claims federal jurisdiction pursuant to Article III § 2 of the U.S. Constitution,
22 which extends the Court's jurisdiction to cases arising under the U.S. Constitution.
23

24 6. In addition, this is an action brought pursuant to 42 U.S.C.A. § 1983, 42 U.S.C.A. §
25 1985, 42 U.S.C.A. § 1986, and 28 U.S.C.A. §§ 1331, 1343, seeking damages,
26 including costs of litigation and reasonable attorney's fees, against the above captioned
27 defendants for committing acts, under color of state and/or federal law, that deprived
28

1 Plaintiff of rights secured by, *inter alia*, the Fifth and Fourteenth Amendments to the
2 Constitution of the United States [U.S. Const. Amend. V and XIV].

3 7. In addition, this court has original jurisdiction pursuant to, *inter alia*, 28 U.S.C.A. §§
4 1331 and 1343.

5 8. The violation of Plaintiff's rights alleged in this complaint was committed within
6 Maricopa County, Arizona; consequently, venue is proper in this district pursuant to
7 28 U.S.C.A. § 1391(b).

8 9. Plaintiff, STUART, is considered by the court a resident of Maricopa County, Arizona.

9 10. Defendants, McMurdie, Charbel, Dalton, Shearer, Johnson, Harrison, and Robert E.
10 Lyon, DO, were, at all times material, judicial officers and/or State agents employed by
11 the County of Maricopa, and/or the State of Arizona and/or the City of Phoenix, and were
12 acting individually, and/or in concert and conspiracy, under the color of authority of
13 the laws of the United States and/or the State of Arizona.

14 11. This Court has jurisdiction to hear this matter pursuant to ALL appropriate statutes and
15 Laws; and by solemn permission granted by John Stuart, *a laymen*, who by Law and
16 precedent and in accordance with the Supreme Court of the United States decisions MAY
17 NOT be held to the same standard as a lawyer and/or attorney; and whose motions,
18 pleadings and all papers may ONLY be judged by their function and never their form.

19
20
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22
23 *See: Haines v. Kerner; Platsky v. CIA; Anastasoff v. United States; Litigants are to*
24 *be held to less stringent pleading standards;*
25 *Haines v. Kerner, 404 U.S. 519-421; In re Haines: pro se litigants are held to less*
26 *stringent pleading standards than admitted or licensed bar attorneys. Regardless of*
27 *the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to*
28 *submit evidence in support of their claims.*

Exhibit #4

1 JOHN STUART, *Pro per*
2 10407 W. Trumbull Road
3 Tolleson, Arizona (85353)
4 Phone # (480) 232-0606
5 <themobinem@aol.com>

6 John Stuart, *Sui Juris*
7 Authorized Representative

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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 BEALSEY III; and
ORVILLE THOMAS BEASLEY II and
ANNA ELIZABETH BEASLEY, husband
and wife, and parents of ORVILLE
THOMAS BEASLEY III,
Plaintiff,

vs.

JOHN C. STUART, and JANE DOE
STUART, a married couple; JOHN and
JANE DOES 1-V; BLACK & WHITE
CORPORATIONS VI-X; and ABC
PARTENRSHIPS XI-XV;
Defendants

Case No. CV2010-050624

JUDICIAL NOTICE

**SUBMITTED FOR CLAIRIFICATION
AND IN THE INTEREST OF JUSTICE
TO ASSIST THIS COURT AND
PLAINTIFF IN UNDERSTANDING;
THIS COURT MAY CONSIDER THIS
AN ANSWER AND/OR RESPONSE TO
PLAINTIFF'S REPLY IN SUPPORT OF
MOTION FOR CLARIFICATION
SUBMITTED UNDER DURESS AND
VI ET ARMIS AND NOT GRANTING
JURISDICTION
DEFEDANT IS ONLY APPEARING
SPECIALLY AND NOT GENERALLY,
SUBMITTED BY AND THROUGH
SPECIAL APPEARANCE:
WITH ALL RIGHTS RESERVED;
AND NOT GRANTING, NOR
AGREEING TO JURISDICTION OF THIS
COURT IN THIS MATTER.
THE CONSTITUTIONS OF ARIZONA,
AND THE UNITED STATES; AND
ALL TREATIES, ARE HEREBY
'INCORPORATED' INTO THIS
MATTER. THIS MATTER DOES NOT
EXIST "IN THIS STATE."
(Tort Non-Motor vehicle)
(Assigned to the Honorable Linda Miles)**

Exhibit #5

1 **DOYLE LAW GROUP**
2 5010 East Shea Blvd., Suite A-106
3 Scottsdale, Arizona 85254
4 Telephone: 602-494-0556
5 Facsimile: 602-494-0621

6
7
8 John C. Doyle, Esq. (Bar No. 010602)
9 Jonathan L. Sullivan, Esq. (Bar No. 026619)
10 *Attorneys for Plaintiff*

11
12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
13 IN AND FOR THE COUNTY OF MARICOPA

14 REBECCA BEASLEY, individually as the)
15 surviving spouse of ORVILLE THOMAS)
16 BEASLEY III, and as personal representative)
17 of the ESTATE OF ORVILLE THOMAS)
18 BEASLEY III; and ORVILLE THOMAS)
19 II and ANNA ELIZABETH BEASLEY,
20 husband and wife, and parents of ORVILLE)
21 THOMAS BEASLEY III.)
22 Plaintiffs,)

23 NO.
24 COMPLAINT
25 (Tort: Non-Motor Vehicle)
26 JURY TRIAL REQUESTED

27 v.)

28 JOHN C. STUART and JANE DOE)
29 STUART, a married couple; JOHN and)
30 JANE DOES I-V; BLACK & WHITE)
31 CORPORATIONS VI-X; and ABC)
32 PARTNERSHIPS XI-XV;)
33 Defendants.)

34
35 Plaintiffs Rebecca Beasley, as surviving spouse and as personal representative of the Estate
36 of Orville Thomas Beasley III, and Orville Thomas II and Anna Elizabeth Beasley, for their
37 Complaint against Defendants, allege as follows:

38 **JURISDICTION, VENUE AND PARTIES**

- 39
40 1. Plaintiff Rebecca Beasley (hereinafter Rebecca) was, at all times material hereto, a resident
41 of the County of Maricopa, State of Arizona.
42
43 2. Plaintiffs Orville Thomas II and Anna Elizabeth Beasley were, at all times material hereto,
44 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
- 13 7. Defendant has caused events to occur in the State of Arizona, which events are the subject
14 matter out of which the claims alleged in this Complaint arise.
- 15 8. That venue and jurisdiction is proper in this court for the Superior Court of the State of
16 Arizona.
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

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

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

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

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

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

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

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

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

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

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

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

18
19
20
21 **COUNT I**

22 **Wrongful Death**

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

25 23. As a direct and proximate result of Defendant's wrongful conduct, Plaintiffs have suffered
26 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 41. Defendant committed battery against Thomas when Defendant fired his gun at Thomas,
15 striking Thomas and resulting in his death.

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

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

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.

26 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.

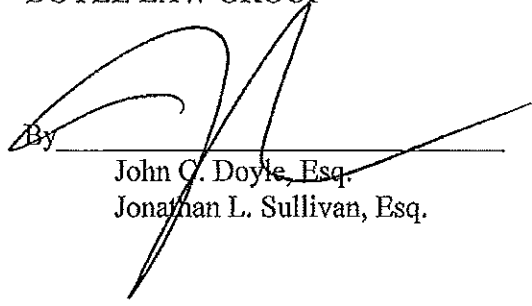
47. Defendant's consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others.

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 of 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.
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