

DOYLE LAW GROUP

5010 East Shea Blvd., Suite A-106
Scottsdale, Arizona 85254
Telephone: 602-494-0556
Facsimile: 602-494-0621

John C. Doyle, Esq. (Bar No. 010602)
jdoyle@jcdlawgroup.com
Jonathan L. Sullivan, Esq. (Bar No. 026619)
jsullivan@jcdlawgroup.com
Attorneys for Plaintiffs

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.)

CASE NO. CV2010-050624

**PLAINTIFF'S SEPARATE
STATEMENT OF FACTS IN
SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE: DEFENDANT'S NEGLIGENT
INFLECTION OF EMOTIONAL
DISTRESS**

(Assigned to the Honorable Linda Miles)

(Oral Argument Requested)

Plaintiff Rebecca Beasley, by and through undersigned counsel, hereby file this separate Statement of Facts in support of her Motion for Partial Summary Judgment Regarding Plaintiffs' Claim for Negligent Inflection of Emotional Distress pursuant to Arizona Rules of Civil Procedure Rule 56(c)(2):

1. On the evening of January 29, 2008, Thomas Beasley, driver, and Rebecca Beasley, passenger, traveled westbound on Pinnacle Peak Road, Scottsdale, Arizona. (Exhibit 1, Affidavit

1 of Rebecca Beasley, dated October 6, 2010; Exhibit 2, Report of Officer Paul Dalton at 1-8, dated
2 January 29, 2008).

3 2. At the same time on that day, John Stuart, speeding and passing several cars, passed and
4 cut off the Beasley's vehicle. (Exhibit 1; Exhibit 2 at 8-9).

5 3. The cars then came to a stop at a red light at the intersection of Tatum Road and
6 Pinnacle Peak Road. (Exhibit 2 at 8-9).

7 4. Thomas Beasley stopped at the left-hand turning lane, preparing to head south on
8 Tatum, and John Stuart stopped his vehicle at the right side of the Beasley's car. (*Id.*).

9 5. Stuart then began shouting insults out his window at the Beasleys. He made vulgar
10 comments and hand gestures at Thom and Rebecca Beasley. (*Id.* at 8).

11 6. Stuart then turned his vehicle into the intersection in front of the Beasley's car,
12 preventing them from exiting the turning lane or moving in any direction to get away from Stuart's
13 vehicle. (*Id.*).

14 7. At this time, Thomas Beasley got out of the car and started toward Stuart's vehicle. (*Id.*
15 at 8-11.).

16 8. Stuart maneuvered his vehicle back and forth three times toward Thomas Beasley as if
17 threatening to strike. (Exhibit 1; Exhibit 3 Report of Officer Raymond Roe's interview of witness
18 Stacey Strachan at 1, dated January 30, 2008.)

19 9. Mr. Beasley continued walking toward Stuart's vehicle when Stuart reached for his
20 handgun. (*Id.*).

21 10. Upon seeing the weapon Thomas Beasley slowly walked backwards with his hands in
22 the air in an attempt to return to his vehicle and his wife. (Exhibit 1; Exhibit 4. Report of Officer
23 Raymond Roe's interview of witness Bailey Polcher at 1, dated January 30, 2008.)

24 11. John Stuart then fired a fatal shot at the un-armed Thomas Beasley. (Exhibit 1; Exhibit
25 2 at 11.)

26 12. Stuart raced away, leaving Rebecca Beasley with her dying husband. (Exhibit 1;
Exhibit 3 at 1.)

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13. At the time of the incident, Rebecca Beasley experienced many emotions including fear, extreme shock, pain, grief, emotional agitation, and anger. (Exhibit 1).

14. Since the shooting, she has experienced the same emotions as well as prolonged grief, loss of sleep, and other disturbances. (*Id.*).

RESPECTFULLY SUBMITTED this 8th day of October, 2010

DOYLE LAW GROUP

/s/ John C. Doyle, Esq.
John C. Doyle, Esq.
Jonathan L. Sullivan, Esq.
5010 E. Shea Blvd., Ste. A-106
Scottsdale, AZ 85254
Attorneys for Plaintiffs

ORIGINAL of the foregoing electronically filed this 8th day of October, 2010 with:

Clerk of Court
Maricopa Superior Court
Northeast Regional Center
18380 N. 40th Street
Phoenix, AZ 85032

COPY of the foregoing distributed by electronic filing this 8th day of October, 2010 to:

The Honorable Linda Miles
Maricopa Superior Court
Northeast Regional Center
18380 N. 40th Street
Phoenix, AZ 85032

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1 COPY of the foregoing emailed
this 8th day of October, 2010 to:

2 Robert K. Lewis, Esq.
3 Allen & Lewis, PLC
3300 North Central Ave. Ste. 2500
4 Phoenix, Arizona 85012
5 *Attorney for Defendant*

6 By: /s/ Jennelle DeAtley
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