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10 67144-1/gjc

11 Attorneys for Plaintiffs

12 ARIZONA SUPERIOR COURT

13 PIMA COUNTY

14 KEVIN MOON, a single/widowed man, on  
15 behalf of himself, his minor daughter  
16 TRESSAH MOON, and as the personal  
17 representative of the estate for his deceased  
18 wife, TARA MOON; TRAVIS HEATH, a  
19 single man; FRANK and MARIA  
20 PADILLA, a married couple

21 Plaintiffs,

22 -vs-

23 ACADIA HEALTHCARE COMPANY,  
24 INC., a Delaware corporation, doing  
25 business as SONORA BEHAVIORAL  
26 HEALTH; SONORA BEHAVIORAL  
HEALTH HOSPITAL, LLC, an Arizona  
Limited Liability Corporation, doing  
business as SONORA BEHAVIORAL  
HEALTH.

Defendants.

No. \_\_\_\_\_

**FIRST COMPLAINT**  
**(Wrongful Death; Arizona**  
**Protective Service Act**  
**["APSA"]/A.R.S. §46-451 et. seq )**

**JURY TRIAL REQUESTED**

Assigned to: \_\_\_\_\_

1 Plaintiffs, for their Complaint and in an effort to narrow disputes, allege as follows:

2 **THE PLAINTIFFS**

- 3 1. Tara Moon died on 1/14/16 in Pima County, Arizona.
- 4 2. Kevin Moon was married to Tara Moon at the time of Tara's 1/14/16 death.
- 5 3. On 4/25/16, the Pima County Superior Court in Case Number PB20160527
- 6 appointed Kevin Moon as the personal representative of Tara Moon's estate.
- 7 4. Tressah Moon is the minor, unmarried daughter of Kevin and Tara Moon.
- 8 5. Travis Heath is the adult, unmarried son of Tara Moon.
- 9 6. Frank and Maria Padilla are Tara Moon's parents
- 10 7. Frank and Maria Padilla were married at the time of Tara's 1/14/16 death, and are
- 11 still married as of the date of this complaint
- 12 8. Kevin Moon, Tressah Moon, Frank Padilla, and Maria Padilla all resided in Pima
- 13 County, Arizona at the time of Tara's 1/14/16 death.

14 **THE DEFENDANTS**

- 15 9. Sonora Behavioral Health ("Sonora") is a health care facility at 6050 N. Corona Rd.
- 16 in Tucson, Arizona.
- 17 10. The Arizona Corporation Commission lists, as of the date of this First Complaint, the
- 18 corporate name for Sonora as "Sonora Behavioral Health Hospital, LLC"
- 19 11. Tara Moon was a patient at Sonora on 1/14/16.
- 20 12. Acadia Health Company, Inc. ("Acadia") is a Delaware corporation
- 21 13. The Acadia website is at <http://www.acadiahealthcare.com/>
- 22 14. The website at <http://www.acadiahealthcare.com/> lists, as of the date of this First
- 23 Complaint, "Sonora Behavioral Health" as a treatment facility that Acadia operates.
- 24 15. Acadia acquired Sonora on or about 3/1/12
- 25 16. Acadia operated Sonora on 1/14/16
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**JURISDICTION**

- 17. This matter exceeds the applicable compulsory arbitration limits such that it not subject to compulsory arbitration.
- 18. Plaintiffs have a legal right to a jury trial if this case is not resolved or disposed of by motion.
- 19. This Court has personal and subject matter jurisdiction and venue is proper.

**GENERAL ALLEGATIONS**  
**SONORA POLICIES, PROTOCOLS AND PROCEDURES**

- 20. Sonora has a policy, that was in effect on 1/14/16, entitled "Providing a Safe Environment".
- 21. Sonora's "Providing a Safe Environment Policy" that was in effect on 1/14/16 which states "it is the policy of (hospital) to develop and implement plans, programs and process which will promote a safe and functional environment."
- 22. Sonora has a procedure that was in effect on 1/14/16 which states, "The organization designs, constructs, and maintains features of the environment to promote patient safety by providing diagnosis, treatment and care for the appropriate needs of the patients."
- 23. Sonora has a procedure that that was in effect on 1/14/16 which states "Interior spaces shall meet the needs of the patient population and are safe and suitable to the care, treatment and services provided."
- 24. Sonora has a policy that was in effect on 1/14/16 which states that personnel members' skills and knowledge are verified and documented before the personnel member provides physical health services or behavioral health services to patients.
- 25. Sonora's policies and procedures that were in effect on 1/14/16 provide that a patient's care must be appropriately planned and directed under the supervision of a registered nurse.

- 1 26. Sonora's policies and procedures that were in effect on 1/14/16 provide that, "An RN  
2 conducts patient assessments and provides nursing interventions to patients as  
3 assigned, maintains a safe and efficient working and treatment environment per  
4 facility policies and procedures... assess patient for risk of danger to self or others as  
5 time of assessment and ongoing through treatment... oversees all aspects of patient's  
6 care...."
- 7 27. The Sonora Hospital Competency Baseline for a Registered Nurse that was in effect  
8 on 1/14/16 provides the nurse shall, "Accurately and consistently assess patients for  
9 risk of self-harm"
- 10 28. Sonora had a scoring system on the "Integrated Assessment-Nursing Assessment"  
11 that was in effect on 1/14/16.
- 12 29. The number of symptoms present for Tara Moon's 1/14/16 "Integrated Assessment-  
13 Nursing Assessment" was documented as 3.
- 14 30. The policy for Sonora's "Integrated Assessment-Nursing Assessment" that was in  
15 effect on 1/14/16 was that an attending physician should be notified if 2 or more  
16 symptoms were present.
- 17 31. There is no documentation in Sonora's records that a physician was ever notified  
18 about Tara Moon between the time of her arrival at Sonora on 1/13/16 and 8:55 a.m.  
19 on 1/14/16.
- 20 32. No one at Sonora ever contacted a physician between the time that an Integrated  
21 Assessment-Nursing Assessment was performed there and 8:55 am on 1/14/16.
- 22 33. No one at Sonora ever contacted a physician about Tara Moon between the time of  
23 her arrival at Sonora on 1/13/14, and 8:55 am on 1/14/16.
- 24 **THE APPLICATION FOR EMERGENCY ADMISSION FOR EVALUATION**  
**AND TARA MOON'S SUBSEQUENT ADMISSION INTO SONORA**
- 25 34. Sonora had, before 1/14/16, a copy of a 1/11/16 Application for Emergency  
26 Admission executed by Ellie Lierbrowen.

- 1 35. Sonora had, on 1/14/16, a copy of a 1/11/16 Application for Emergency Admission  
2 executed by Ellie Lierbrowen.
- 3 36. The 1/11/16 Application for Emergency Admission included language that Ellie  
4 Lierbrowen believed Tara Moon had a mental disorder and, as a result of such mental  
5 disorder, was “a danger to self.”
- 6 37. The 1/11/16 Application for Emergency Admission included language that Ellie  
7 Lierbrowen believed Tara Moon had a mental disorder and, as a result of such mental  
8 disorder, was “a danger to others.”
- 9 38. The 1/11/16 Application for Emergency Admission included language in the  
10 Conclusion that Ellie Lierbrowen believed Tara Moon had a mental disorder based  
11 upon the fact that Tara Moon has had “previously psychiatric hospitalizations and a  
12 Hx of behaviors which have endangered herself and others.”
- 13 39. The 1/11/16 Application for Emergency Admission included language that the  
14 specific nature of the danger posed by Tara Moon was that it was reported on 1/11/16  
15 that law enforcement responded to the “dangerous situation posed by Tara in which  
16 she was both under the influence of mind altering drugs and had possession of a  
17 firearm, combined with nonsensical delusions.”
- 18 40. The 1/11/16 Application for Emergency Admission included language Tara Moon  
19 was a 44-year-old female with a history of substance abuse mixed with  
20 endangerment.
- 21 41. The 1/11/16 Application for Emergency Admission included language that, upon  
22 admission to CRC for evaluation, Tara Moon requested to be discharged, and that  
23 such “represents gross lack of insight into her current situation in which she has  
24 endangered herself and others.”
- 25 42. Patient and Witness Information For a Title 36 Petition is part of the above-  
26 discussed 1/11/16 Application for Emergency Admission

- 1 43. The directly above discussed Patient and Witness Information For a Title 36 Petition  
2 contains language that Ellie Lierbrowen had personally observed “Possible complex  
3 substance abuse mixed with behaviors of endangerment.”
- 4 44. Sonora had, before 1/14/16, a copy of a 1/12/16 Application for Emergency  
5 Admission executed by Deanna Henriquez
- 6 45. Sonora had, on 1/14/16, a copy of a 1/12/16 Application for Emergency Admission  
7 executed by Deanna Henriquez
- 8 46. The 1/12/16 Application for Emergency Admission contained language that Tara  
9 Moon had a mental disorder and, as a result of such, is “a danger to self.”
- 10 47. The 1/12/16 Application for Emergency Admission contained language that Tara  
11 Moon had a mental disorder and, as a result of such, is “a danger to others.”
- 12 48. The 1/12/16 Application for Emergency Admission contained language in the  
13 conclusion that Tara Moon was diagnosed with psychotic disillusions and had no  
14 current mental health provider.
- 15 49. The 1/12/16 Application for Emergency Admission contained language that, due to  
16 the level of psychosis, Tara Moon was not “safe to self or others outside of an  
17 inpatient facility where she could be provided needed treatment and stabilization.”
- 18 50. Sonora was aware, before 1/14/16, of the 1/13/16 Application for Emergency  
19 Admission for Evaluation by Mara SantaMaria at CRC
- 20 51. Sonora had, before 1/14/16, a copy of the 1/13/16 Application for Emergency  
21 Admission for Evaluation.
- 22 52. The 1/13/16 Application for Emergency Admission for Evaluation included language  
23 stating that it was believed that Tara Moon had a mental disorder and, as a result of  
24 such mental disorder, she was a danger to herself.

- 1 53. The 1/13/16 Application for Emergency Admission for Evaluation included language  
2 stating that it was believed that Tara Moon had a mental disorder and, as a result of  
3 such mental disorder, she was a danger to others.
- 4 54. The 1/13/16 Application for Emergency Admission for Evaluation included language  
5 stating that, during the time necessary to complete pre-petition screening under  
6 A.R.S. §36-520, Tara was likely, without immediate hospitalization, to suffer serious  
7 physical harm or serious illness or is likely to inflict serious physical harm upon  
8 another person.
- 9 55. The conclusion in the 1/13/16 Application for Emergency Admission included  
10 language that Tara Moon had a mental disorder based upon her previous psychiatric  
11 hospitalizations, and her history of behaviors, which endangered herself and others.
- 12 56. The 1/13/16 Application for Emergency Admission for Evaluation contained  
13 language stating that Tara Moon was a “danger to self due to decision making that  
14 lacks consideration into her own safety.”
- 15 57. The 1/13/16 Application for Emergency Admission for Evaluation contained  
16 language stating that Tara Moon was a 44-year-old female with labile and erratic  
17 behavior.
- 18 58. The 1/13/16 Application for Emergency Admission for Evaluation contained  
19 language stating that Tara Moon was “agitated, paranoid and anxious, even after  
20 taking medication.”
- 21 59. The 1/13/16 Application for Emergency Admission for Evaluation contained  
22 language stating that Tara Moon continuously asked to be discharged but was “not  
23 able to modify her behavior or to control her outburst.”
- 24 60. Patient and Witness Information For a Title 36 Petition is part of the 1/13/16  
25 Application for Emergency Admission for Evaluation.
- 26

- 1 61. The directly above discussed Patient and Witness Information For a Title 36 Petition  
2 alleged that Mara SantaMaria personally observed in Tara Moon “Erratic and non-  
3 directable behavior.”
- 4 62. Between 1/11/16 and 1/13/16, three Crises Response Centers Outpatient Social  
5 Workers documented that Tara was a “danger to self.”
- 6 63. Before 1/14/16, Sonora knew that three Crises Response Centers Outpatient Social  
7 Workers, between 1/11/16 and 1/13/16, documented that Tara was a “danger to self.”
- 8 64. Before 8:55 am on 1/14/16, Sonora knew that three Crises Response Centers  
9 Outpatient Social Workers, between 1/11/16 and 1/13/16, documented that Tara was  
10 a “danger to self.”

11 **TARA MOON’S TIME AT SONORA**  
12 **ON BETWEEN 1/13/16 AT ABOUT 11:04 PM AND 1/14/16 AT ABOUT 8:55 AM**  
13 **AND SONORA’S OBLIGATIONS FOR TARA**

- 14 65. On 1/13/16 at approximately 11:04 p.m., Nicole Padilla, B.S., B.H.T., commenced  
15 her initial Behavioral Health Assessment of Tara Moon.
- 16 66. Nicole Padilla’s initial Behavioral Health assessment of Tara Moon was completed at  
17 approximately 11:35 p.m. on 1/13/16.
- 18 67. The Level of Care Determination Rationale Based on the Admission Evaluation  
19 executed by Nicole Padilla indicated that Tara Moon was a psychotic acute  
20 psychiatric patient with severely impaired judgment/uncontrolled risk  
21 taking/uncontrolled destructive behavior potentially resulting in life threatening  
22 victimization, self-harm, injury or illness to others or significant damage to property.
- 23 68. Sonora admitted Tara Moon as a patient on 1/14/16 at about 1:00 a.m.
- 24 69. Sonora admitted Tara Moon as a patient after it possessed copies of a 1/11/16,  
25 1/12/16, and 1/13/16 Application for Emergency Admission.
- 26 70. Sonora admitted Tara Moon as a patient after it reviewed copies of a 1/11/16,  
1/12/16, and 1/13/16 Application for Emergency Admission.



- 1 71. Sonora assigned Psychiatric Mental Health Nurse Practitioner Carrie Bowman to  
2 Tara Moon.
- 3 72. Tara Moon was admitted to Sonora because she was a “danger to self and danger to  
4 others.”
- 5 73. On 1/14/16 at approximately 1:05 a.m., Sonora assigned Tara Moon to room 104A in  
6 the Catalina Unit.
- 7 74. Tara has a roommate in that room named Cecilia Kahn.
- 8 75. Commencing at approximately 1:05 a.m. on 1/14/16, Tara Moon’s Observation Level  
9 was Q15, meaning once every 15 minutes.
- 10 76. Sonora timely observed Tara Moon in accordance with the Q15 observation level  
11 from approximately 1:05 a.m. through approximately 4:00 a.m. on 1/14/16.
- 12 77. Sonora charted the Q15 observations that were performed on 1/14/16 for Tara Moon.
- 13 78. Sonora’s policies and procedures required the Q15 observations of Tara Moon to be  
14 charted.
- 15 79. The standard of care required the Q15 observations of Tara Moon to be charted.
- 16 80. At approximately 4:10 a.m. on 1/14/16, Sonora changed Tara Moon’s observation  
17 status to Q5, meaning once every 5 minutes.
- 18 81. Sonora changed Tara Moon’s Observation Level on 1/14/16 because it was unable to  
19 complete a Suicide Risk Assessment (SRA) for Tara..
- 20 82. The day shift at Sonora on 1/14/16 began at about 7:00 a.m.
- 21 83. Sonora timely observed Tara Moon on 1/14/16 in accordance with the Q5  
22 observation level from approximately 4:10 a.m. through approximately 8:30 a.m. on  
23 1/14/16. Sonora charted the Q5 observations that were performed on 1/14/16 for Tara  
24 Moon.
- 25 84. Sonora’s policies and procedures required the Q5 observations of Tara Moon to be  
26 charted.

- 1 85. The standard of care required the Q5 observations of Tara Moon to be charted.
- 2 86. The Day Shift Observation Record from Sonora indicates that Tara Moon was in her  
3 room on 1/14/16 from about 7:05 a.m. until 7:45 a.m.
- 4 87. The Day Shift Observation Record from Sonora indicates that Tara Moon was in the  
5 "Day Room" at approximately 7:50 a.m. on 1/14/16.
- 6 88. Jerry Denson, a Behavioral Health Technician at Sonora that observed Tara Moon on  
7 1/14/16 between approximately 7:25 a.m. to approximately 7:50 a.m., was not  
8 qualified to be a Behavioral Health Technician.
- 9 89. Before employment by Sonora, Jerry Denson had not worked as a Behavioral Health  
10 Technician.
- 11 90. Jerry Denson's Employment Application with Sonora indicates that he was initially  
12 hired as a "Driver" and his previous employment experience was documented as  
13 being a "Driver."
- 14 91. Sonora never did a performance evaluation on Jerry Denson after he was hired by  
15 Sonora on 5/8/15 as a driver.
- 16 92. Sonora did not observe Tara Moon between approximately 8:30 am and  
17 approximately 8:55 am on 1/14/16 in accordance with the Q5 observation level.
- 18 93. Sonora did not observe Tara Moon between approximately 8:30 am and  
19 approximately 8:55 am on 1/14/16.
- 20 94. Sonora did not chart that it observed Tara Moon between approximately 8:30 am and  
21 approximately 8:55 am on 1/14/16.
- 22 95. RN David Graf was on duty during the Day Shift on 1/14/16 in the Acute Care Unit  
23 at Sonora
- 24 96. Between about 7:00 am and 8:55 am on 1/14/16, RN David Graf was the only nurse  
25 on duty in the Acute Care Unit at Sonora.
- 26

- 1 97. RN David Graf was responsible to do Q5 observations of Tara Moon on 1/14/16  
2 between about 8:30 am. and approximately 8:55 am.
- 3 98. RN David Graf left the acute care unit on 1/14/16 from approximately 8:35 a.m.  
4 through 8:50 a.m., and returned to that unit at or around 8:55 a.m.
- 5 99. RN David Graf left the acute care unit on 1/14/16 from approximately 8:35 a.m.  
6 through 8:50 a.m. to get coffee in the cafeteria.
- 7 100. From 8:35 a.m. to 8:50 a.m. on 1/14/16, there was no RN in the acute care unit  
8 covering patients.
- 9 101. From 8:35 a.m. to 8:50 a.m. on 1/14/16, there was no RN in the acute care unit  
10 performing Q5 observations of Tara Moon.
- 11 102. While serving breakfast, Jerry Denson made contact with Tara Moon, who was in her  
12 room at the time and asked Tara if she wanted breakfast and she declined.
- 13 103. At that time, according to Jerry, it appeared as though Tara was "very agitated" and  
14 "upset" and was continually asking where her husband was.

15 **AT ABOUT 8:55 AM ON 1/14/16, TARA MOON WAS FOUND**  
16 **WITH THE FRONT OF HER NECK IN A BEDSHEET THAT WAS WEDGED**  
17 **BETWEEN THE DOORFRAME OF THE DOOR FOR THE BATHROOM IN HER**  
18 **ASSIGNED PATIENT ROOM**

- 19 104. At approximately 8:55 a.m. on 1/14/16, Behavioral Health Tech Jerry Denson went  
20 to Tara Moon's assigned room at Sonora
- 21 105. At that time, Tara Moon was not seen inside of that room.
- 22 106. Tara Moon was not seen by any Sonora agent after about 8:30 a.m. on 1/14/16 at  
23 Sonora.
- 24 107. At approximately 8:55 a.m. on 1/14/16, Jerry Denson noticed what appeared to be a  
25 white sheet sticking out from the door frame of the door for the bathroom in Tara  
26 Moon's assigned patient room at Sonora.
108. Jerry subsequently knocked on that door, and proceeded to open it.

- 1 109. Jerry subsequently saw the other end of the sheet wrapped around Tara's neck in a  
2 slip-style knot.
- 3 110. Tara Moon was last seen by Jerry Denson while conducting rounds earlier that  
4 morning before 8:30 am
- 5 111. Jerry also saw that Tara was partially hanging from the sheet.
- 6 112. This bed sheet was not designed to break away if weight was applied to it.
- 7 113. Jerry observed at this time that Tara's feet were not off the ground.
- 8 114. Jerry observed at this time that Tara's legs were on the ground.
- 9 115. Jerry Denson unraveled the sheet from Tara's neck.
- 10 116. The sheet was easy to unravel from Tara's neck.
- 11 117. Jerry subsequently began to yell for assistance.
- 12 118. Nursing staff, including Misty Stringer, RN, and David Graf, subsequently arrived  
13 and began CPR and other rescue attempts.
- 14 119. There was no documentation completed on the date of the Code of what occurred  
15 during the Code that was called for Tara Moon at Sonora on 1/14/16.
- 16 120. 911 was notified about Tara's condition while the code was being conducted.
- 17 121. Emergency services subsequently arrived to care for Tara.
- 18 122. Emergency personnel found Tara unconscious and unresponsive laying supine on the  
19 floor with a bystander while CPR was ongoing.
- 20 123. The EMS unit established an intraosseous line for administration of fluids and  
21 medications in Tara's right tibia.
- 22 124. EMS personnel intubated Tara and administered epinephrine 1:10,000 six times with  
23 one dose of sodium bicarbonate.
- 24 ...
- 25 ...
- 26

1     **TARA WAS TRANSFERRED FROM SONORA TO NORTHWEST HOSPITAL,**  
2     **WHERE ATTEMPTS TO REVIVE HER WERE UNSUCCESSFUL AND**  
3     **SHE WAS PRONOUNCED DEAD**

4     125. Tara was transferred by emergency personnel from Sonora at about 9:29 a.m. on  
5     1/14/16, and they arrived with Tara at Northwest Hospital at 9:32 a.m.

6     126. The medical records from Northwest Hospital Acute Care Receiving at 9:42 a.m.  
7     indicate that Tara arrived in cardiac arrest secondary to a hanging attempt.

8     127. Tara was pronounced dead at 9:53 a.m. by Dr. Roemer.

9     128. The autopsy of Tara Moon conducted by Eric D. Peter, M.D. on 1/15/16 at about  
10    8:30 a.m. determined the cause of Tara's death to be hanging.

11    129. The sheet "possibly used" by Tara to hang herself was taken into custody by the  
12    Pima County Sheriff's Department.

13    130. Because the facility had changed out the bedding, the sheet taken into custody as  
14    "possibly used" was determined not to be the sheet actually used by Tara to hang  
15    herself.

16                   **COUNT ONE**

17                   **(Wrongful Death/A.R.S. §12-611 *et seq.*)**

18                   **BY KEVIN MOON, TRESSAH MOON,**

19                   **TRAVIS HEATH, AND FRANK AND MARIA PADILLA**

20    131. Kevin Moon, Tressah Moon, Travis Heath, Frank Padilla, and Maria Padilla are all  
21    eligible wrongful death claimants pursuant to A.R.S. §12-621(A).

22    132. Defendants had one or more duties to Tara Moon.

23    133. Defendants breached one or more of these duties.

24    134. Defendants were negligent derivatively for the acts of its employees and agents, and  
25    also independently.

26    135. Defendants had a duty to watch Tara Moon every 5 minutes between approximately  
   8:30 am and 8:55 am on 1/14/16.

- 1 136. Defendants had a duty to chart that they watched Tara Moon every 5 minutes  
2 between approximately 8:30 am and 8:55 am on 1/14/16.
- 3 137. Defendants breached their duty to watch Tara Moon every 5 minutes between  
4 approximately 8:30 am and 8:55 am on 1/14/16.
- 5 138. Defendants breached their duty to chart that they watched Tara Moon every 5  
6 minutes between approximately 8:30 am and 8:55 am on 1/14/16 on 1/14/16.
- 7 139. Defendants breach of a duty caused Plaintiffs' damages.
- 8 140. Defendants' conduct here constitutes an "evil mind" pursuant to RAJI (Civil)  
9 Personal Injury Damages 4, such that Plaintiffs are entitled to punitive damages

10  
11 **COUNT TWO**  
12 **(Arizona Protective Service Act ["APSA"]/A.R.S. §46-451 et. seq)**  
13 **BY KEVIN MOON AS PERSONAL**  
14 **REPRESENTATIVE OF TARA MOON'S ESTATE**

- 15 141. Plaintiffs allege and incorporate all prior paragraphs herein.
- 16 142. Defendants are each an enterprise, as defined by A.R.S. §46-455(Q), that assumed a  
17 legal duty to provide care to Tara Moon
- 18 143. Tara Moon was a "Vulnerable Adult" as defined by A.R.S. §46-451(A)(9) when she  
19 was at Sonora on 1/14/16.
- 20 144. Tara Moon was injured by Defendants' negligent acts or omissions.
- 21 145. Defendants were negligent derivatively for the acts of its employees and agents, and  
22 also independently.
- 23 146. Injury to a vulnerable adult caused by negligent acts or omissions constitutes "abuse"  
24 under A.R.S. §46-451(A)(1)(b).
- 25 147. Kevin Moon has standing to bring this APSA claim pursuant to A.R.S. §46-455(B)  
26 and A.R.S. §46-455(O).

1 148. Defendants' conduct here constitutes an "evil mind" pursuant to RAJI (Civil)  
2 Personal Injury Damages 4, such that Plaintiffs are entitled to punitive damages. *See*  
3 A.R.S. §46-455(H)(4),

4 **WHEREFORE**, Plaintiffs asks this Court to enter Judgment in their favor and  
5 against Defendants as follows:

- 6 A. For all wrongful death damages recoverable by RAJI (Civil) Personal Injury  
7 Damages 3, A.R.S. §12-613, A.R.S. §46-455(H)(4), and applicable law.
- 8 B. For all APSA damages recoverable by A.R.S. §46-455(H)
- 9 C. For punitive damages pursuant to RAJI (Civil) Personal Injury Damages 4,  
10 A.R.S. §46-455(H)(4), and applicable law.
- 11 D. For costs in accordance with A.R.S. §12-332 and A.R.S. §46-455(H)(4),
- 12 E. For such other and further relief as the Court deems just and proper.

13 DATED: May 6, 2016.

MESCH CLARK ROTHSCHILD

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15  
16 By: s/ Gary J. Cohen  
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18 Douglas H. Clark, Jr.  
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