

1 ALLISTER ADEL
2 MARICOPA COUNTY ATTORNEY

3 By: CHARLES TRULLINGER (018936)
4 SHERLE FLAGGMAN (019079)
5 Deputy County Attorneys
6 trullinc@mcao.maricopa.gov
7 lockerbj@mcao.maricopa.gov

8 CIVIL SERVICES DIVISION
9 Security Center Building
10 222 North Central Avenue, Suite 1100
11 Phoenix, Arizona 85004
12 Telephone (602) 506-8541
13 Facsimile (602) 506-8567
14 ca-civilmailbox@mcao.maricopa.gov
15 MCAO Firm No. 00032000

16 Attorney for Defendants Maricopa County,
17 Leatham, Kelleher and Asiedu-Darkwa

18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF ARIZONA**

20 LISA YEARICK, individually, as Personal
21 Representative of the Estate of EDWARD
22 RUDHMAN and on behalf of LEIGHA
23 HUBER, statutory beneficiary,

24 Plaintiff,

25 v.

26 MARICOPA COUNTY, a public entity;
27 SERGEANT ROBERT LEATHAM and JANE
28 DOE LEATHMAN, husband and wife;
SERGEANT RYAN KELLEHER and JANE
DOE KELLEHER, husband and wife; and
DEPUTY PHILIP ASIEDU-DARKWA and
JANE DOE ASIEDU-DARKWA, husband
and wife.

Defendants.

NO.

**NOTICE OF REMOVAL OF
MARICOPA COUNTY SUPERIOR
COURT CASE NO. CV2019-015407
TO THE UNITED STATES
DISTRICT COURT**

1 Defendants, Maricopa County, Leatham, Kelleher and Asiedu-Darkwa, by and
2 through undersigned counsel and pursuant to 28 U.S.C. §§1441(c), §1446(a), and Rule
3 3.6, Rules of Practice of the United States District Court for the District of Arizona, notice
4 the removal of the above-captioned case, cause number CV2019-015407, from the
5 Arizona Superior Court, Maricopa County, to this Court, and in support of removal assert
6 the following:
7

8 1. On or about December 12, 2019, Plaintiff filed a Complaint against
9 Defendants in the Superior Court of the State of Arizona for the County of Maricopa
10 under the caption *Lisa Yearick v. Maricopa County, et al.*, No. CV2019-015407. A copy
11 of the Complaint and all other documents previously filed in this matter and served on
12 Defendants is attached hereto as Exhibit A.
13

14 2. The Complaint was served on Defendants Maricopa County, Leatham,
15 Kelleher, and Asiedu-Darkwa on February 21, 2020. Jane Doe Leatham, Jane Doe
16 Kelleher, and Jane Doe Asiedu-Darkwa have not yet been served.
17

18 3. The Defendants have not pleaded, answered or otherwise appeared in the
19 action.
20

21 4. This Notice of Removal is filed within 30 days after service of the
22 Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).
23

24 5. The lawsuit filed in Maricopa County, among other claims, alleges the
25 violation of Plaintiff's rights under the Fourth Amendment of the U.S. Constitution and is
26 brought pursuant to 42 U.S.C. § 1983.
27
28

1 via TurboCourt and emailed to:

2 Larry Wulkan
3 Jennifer L. Allen
4 Adrianna M. Chavez
5 Stimpson LLP
6 1850 N. Central Ave, Suite 2100
7 Phoenix 85004-4584
8 larry.wulkan@stinson.com
9 jennifer.allen@stinson.com
10 Adriana.chavez@stinson.com
11 *Attorney for Plaintiff Lisa Yearick*

12 J. Scott Halverson
13 Law office of J. Scott Halverson
14 1761 E. McNair Drive, Suite 103
15 Tempe 85283-5056
16 scott@halversonfirm.com
17 *Attorney for Leigha Huber*

18 */s/ D. Shinabarger*

19 S:\CIVIL\CIV\Matters\CJ\2019\Yearick, Lisa vs MC CJ2019 0156\Pleadings\Notice of Removal\2. NO of Removal of MC Sup Crt to Dist Court 03.04.20.docx

20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit C

Civil Cover Sheet

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the
Complaint or Notice of Removal.**

Plaintiff(s): **Lisa Yearick; Estate of Edward
Rudhman**

Defendant(s): **Maricopa County ; Robert Leatham
; Sergeant; Ryan Kelleher ,
Sergeant; Philip Asiedu-Darkwa ,
Deputy**

County of Residence: Maricopa

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

Plaintiff's Atty(s):

**Larry J. Wulkan
Stimpson LLP
1850 N. Central Ave.; Suite 2100
Phoenix, Arizona 85004-4584
602-279-1600**

Defendant's Atty(s):

**Charles Trullinger
Maricopa County Attorney's Office - Civil Services
222 N. Central Ave.; Suite 1100
Phoenix, Arizona 85004
602-506-8066**

**Jennifer L. Allen
Stinson LLP
1850 N. Central Ave.; Suite 2100
Phoenix, Arizona 85004-4585
602-279-1600**

**Sherlye Flaggman
Maricopa County Attorney's Office - Civil Services
222 N. Central Ave.; Suite 1100
Phoenix, Arizona 85004
602-372-2098**

**Adrianna M. Chavez
Stinson LLP
1850 N. Central Ave.; Suite 2100
Phoenix, Arizona 85004-4584
602-279-1600**

REMOVAL FROM MARICOPA COUNTY, CASE #CV2019-015407

II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

**III. Citizenship of Principal
Parties (Diversity Cases Only)**

Plaintiff:- N/A

Defendant:- N/A

IV. Origin : **2. Removed From State Court**

V. Nature of Suit: **440 Other Civil Rights**

VI.Cause of Action: **Violation of 4th Amendment Right to be free from unreasonable use of force**

VII. Requested in Complaint

Class Action: **No**

Dollar Demand:

Jury Demand: **Yes**

VIII. This case is not related to another case.

Signature: Charles Trullinger

Date: March 16, 2020

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit D

Supplemental Cover Sheet

**SUPPLEMENTAL CIVIL COVER SHEET
FOR CASES REMOVED FROM ANOTHER JURISDICTION**

This form must be attached to the Civil Cover Sheet at the time
the case is filed in the United States District Clerk's Office

Additional sheets may be used as necessary.

1. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party</u>	<u>Party Type</u>	<u>Attorney(s)</u>
Lisa Yearic, individually, as Personal Representative of the Estate of Edward Rudham	Plaintiff	Larry J. Wulkan (021404) Jennifer L. Allen (027941) Adrianna M. Chavez (035011) Stinson LLP 1850 N. Central Ave., Suite 2100 Phoenix, AZ 85004-4584 602-279-1600
Maricopa County Sergeant Robert Leatham Jane Doe Leatham Sergeant Ryan Kelleher Jane Doe Kelleher Deputy Philip Asiedu-Darkwa Jane Doe Kelleher	Defendants	Charles Trullinger (018396) Sherie Flaggman (019079) Maricopa County Attorney's Office - Civil Services Division 222 N. Central Ave., Suite 1100 Phoenix, AZ 85004 602-506-8541

2. Jury Demand:

Was a Jury Demand made in another jurisdiction? Yes No

If "Yes," by which party and on what date?

Plaintiff

12/21/2019

3. Answer:

Was an Answer made in another jurisdiction? Yes No

If "Yes," by which party and on what date?

4. Served Parties:

The following parties have been served at the time this case was removed:

<u>Party</u>	<u>Date Served</u>	<u>Method of Service</u>
Maricopa County Sergeant Robert Leatham	Feb. 21, 2020	Personal Service
Sergeant Ryan Kelleher Deputy Philip Asiedu-Darkwa	Feb. 21, 2020	Personal Service

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason Not Served</u>
Jane Doe Leatham Jane Doe Kelleher	Defense counsel will accept service after removal Sergeant Ryan Kelleher is unmarried
Jane Doe Asiedu-Darkwa	Deputy Philip Asiedu-Darkwa was unmarried at the time of the event listed in the Complaint

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate changes from the style of the papers from another jurisdiction and the reason for the change:

<u>Party</u>	<u>Reason for Change</u>
N/A	

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claims</u>
Plaintiff	Count One: 4th Amendment unreasonable use of force County Two: Wrongful Death

Pursuant to 28 USC § 1446(a) a copy of all process, pleadings, and orders served in another jurisdiction (State Court) shall be filed with this removal.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

LISA YEARICK, individually, as Personal
Representative of the Estate of EDWARD
RUDHMAN and on behalf of LEIGHA
HUBER, statutory beneficiary,

Plaintiff,

v.

MARICOPA COUNTY, a public entity;
SERGEANT ROBERT LEATHAM and JANE
DOE LEATHMAN, husband and wife;
SERGEANT RYAN KELLEHER and JANE
DOE KELLEHER, husband and wife; and
DEPUTY PHILIP ASIEDU-DARK WA and
JANE DOE ASIEDU-DARKWA, husband
and wife.

Defendants.

NO.

INDEX

- Exhibits: (A) Contents of the Superior Court File NO CV2019-015407
- (B) Superior Court Notice of Removal to Federal District Court
- (C) Civil Cover Sheet
- (D) Supplemental Cover Sheet

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Contents of Superior Court File NO. CV2019-015407

JEFF FINE

Clerk of the Superior Court
 By Miguel Marin, Deputy
 Date 12/12/2019 Time 16:45:35

Description	Amount
----- CASE# CV2019-015407 -----	
CIVIL NEW COMPLAINT	333.00

TOTAL AMOUNT	333.00
Receipt# 27557339	

1 Larry J. Wulkan (021404)
 Jennifer L. Allen (027941)
 2 Adrianna M. Chavez (035011)
STINSON LLP
 3 Firm Identification Number 00462400
 1850 North Central Avenue, Suite 2100
 4 Phoenix, Arizona 85004-4584
 Tel: (602) 279-1600
 5 Fax: (602) 240-6925
 Email: larry.wulkan@stinson.com
 6 jennifer.allen@stinson.com
 adrianna.chavez@stinson.com
 7 Attorneys for Plaintiff Lisa Yearick

8 J. Scott Halverson
LAW OFFICES OF J. SCOTT HALVERSON PC
 9 1761 East McNair Drive, Suite 103
 Tempe, Arizona 85283-5056
 10 Tel: (480) 777-7776
 Fax: (602) 375-7444
 11 Email: scott@halversonfirm.com
 Attorneys for Plaintiff Leigha Huber

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

14 LISA YEARICK, individually, as
 15 Personal Representative of the Estate of
 EDWARD RUDHMAN,¹ and on behalf
 16 of LEIGHA HUBER, statutory
 beneficiary,

17 Plaintiffs,

18 v.

19 MARICOPA COUNTY, a public entity;
 20 SERGEANT ROBERT LEATHAM and
 JANE DOE LEATHAM, husband and
 21 wife; SERGEANT RYAN KELLEHER
 and JANE DOE KELLEHER, husband
 22 and wife; and DEPUTY PHILIP
 ASIEDU-DARKWA and JANE DOE
 23 ASIEDU-DARKWA, husband and wife,

24 Defendants.

No. CV 2019-015407

COMPLAINT AND DEMAND FOR JURY TRIAL

(Violation of Fourth Amendment Rights; Wrongful Death)

26 For their Complaint against Defendants, Plaintiffs allege as follows:

27 _____
 28 ¹ At the time of the filing of this complaint, Ms. Yearick's Application for Informal Appointment of Personal Representative (Intestate Estate) was pending in Superior Court of Arizona in and for Maricopa County, Case No. PB2019-002579.

JURISDICTION AND PARTIES

1
2 1. Plaintiffs bring this action, pursuant to 42 U.S.C. § 1983, for violations of the
3 Fourth Amendment of the United States Constitution, and pendent state common and statutory
4 laws including A.R.S. § 12-611, *et seq.*

5 2. Jurisdiction and venue are proper in this Court pursuant to A.R.S. §§ 12-123 and
6 12-401, as the majority of parties are residents of Maricopa County, Arizona, and the events
7 underlying this lawsuit occurred in Maricopa County.

8 3. Plaintiff Lisa Yearick (“Lisa”) is the widow of decedent Edward Rudhman
9 (“Edward”). For all material times, she resided in Maricopa County.

10 4. Plaintiff Leigha Huber is Edward’s mother. For all material times, she resided in
11 Hawaii.

12 5. Defendants Leatham, Kelleher, and Asiedu-Darkwa (collectively, the
13 “Deputies”) were, at all times relevant to this complaint, employed as sheriff’s deputies with
14 the Maricopa County Sheriff’s Department.

15 6. Plaintiffs survive Edward, who was shot to death by the Deputies on
16 December 16, 2018.

17 7. Defendant Maricopa County (the “County”) is a public entity, formed and
18 designated as such pursuant to Title 11 of the Arizona Revised Statutes and, as permitted by
19 state and federal law, may be held independently or vicariously liable, or otherwise
20 responsible, for the wrongful conduct of its divisions, agents, officers, and employees.

21 8. The Deputies were agents and employees of Maricopa County who, at the time
22 of the events complained of herein, were acting within the course and scope of their
23 employment and under color of law.

24 9. The Deputies’ acts and omissions were done for the benefit and furtherance of
25 their marital communities. Plaintiffs are unaware of the true names of the Deputies’ spouses
26 and have designated them as Jane Does in the caption of this matter. The true names of these
27 defendants will be substituted upon discovery of the same.

THE FACTS

1
2 10. At approximately 10:22 a.m. on Sunday December 16, 2018, the Deputies, along
3 with two other sheriff's deputies, responded to the home of Lisa and Edward in Mesa, Arizona.

4 11. Lisa had called 9-1-1 and reported to the call-taker that Edward was suicidal and
5 had a gun.

6 12. Lisa told the 9-1-1 call-taker that Edward was "distraught" and that she was
7 "scared for his life" and "really, really worried about him" because he was "threatening to kill
8 himself."

9 13. Lisa also told the 9-1-1 call-taker that she desired: "nothing bad to happen to
10 [Edward], I just want him to get help."

11 14. Edward had struggled with depression for many years and had recently lost his
12 job.

13 15. Lisa had closed herself in her bedroom.

14 16. Edward told Lisa, "I'm not gonna hurt you are you kidding me right now?"

15 17. While all this was happening, the Deputies arrived and positioned themselves
16 toward the end of the driveway of Edward and Lisa's home, closest to the street, setting up two
17 police cruisers for cover.

18 18. Sergeant Leatham stood just behind the open driver's side door of his cruiser,
19 with his gun pointing toward Edward and Lisa's home.

20 19. Non-Party Deputy Robert Normile stood on the right side of Sergeant Leatham's
21 cruiser, behind the open passenger side door. He held a rifle, that fired beanbag rounds,
22 pointing toward Edward and Lisa's home.

23 20. Deputy Asiedu-Darkwa positioned himself to Deputy Normile's right side,
24 across the boundary wall in a neighbor's yard, with his gun pointed toward Edward and Lisa's
25 home.

26 21. Sergeant Kelleher lay down on the ground near some shrubs to the left of the
27 cruiser, with his gun pointing toward Edward and Lisa's home.

1 22. Sergeant Leatham began making announcements over a public address system
2 for Edward to come out of the house without the gun.

3 23. Edward appeared through the front door and Deputy Normile shouted, "Front
4 door, front door, front door."

5 24. Edward began walking toward the Deputies with his arms by his sides and his
6 gun dangling from his right hand.

7 25. Edward is left-handed.

8 26. Deputy Normile described Edward's walk as not "fast paced."

9 27. Sergeant Leatham told Edward to drop the gun several times, then said "Stop
10 where you are."

11 28. Edward responded "No."

12 29. At that moment, Edward was still several car lengths away, and Deputy Normile
13 "was ready to call out 'less-lethal, less-lethal, and fire.'"

14 30. The purpose of this is to alert other deputies that the sound they will hear is a
15 less-lethal weapon so that other deputies will not automatically begin firing their lethal
16 weapons upon hearing the sound of gunfire.

17 31. But while Deputy Normile was "in his thought process and in preparation to act,"
18 the Deputies began firing their guns, striking Edward multiple times in the torso and once in
19 the head.

20 32. Edward was still breathing after being shot, but was pronounced dead later at the
21 hospital.

22 33. At no time did Edward make a furtive movement, harrowing gesture, or serious
23 verbal threat to the Deputies, nor did he brandish his gun or point it at the Deputies.

24 34. The Deputies gave no warning that they would shoot Edward if he didn't stop
25 and drop the gun, even though it was feasible for them to do so.

COUNT ONE

(The Deputies Violated Edward's Rights Under the Fourth Amendment to be Free From the Unreasonable Use of Force and are Liable Pursuant to 42 U.S.C. § 1983)

35. Plaintiffs incorporate the allegations in the paragraphs above as if set forth fully herein.

36. As a direct and proximate result of these Defendants' wrongful conduct by using excessive and unreasonable force against Edward, Edward's rights under the Fourth Amendment were violated and the Estate of Edward Rudhman has suffered damages.

37. The wrongful conduct of these Defendants was in reckless disregard of Edward's constitutional rights and punitive damages in an amount to be determined by a jury should be awarded to deter and prevent others from acting in a similar manner in the future.

COUNT TWO

(The Deputies, and Maricopa County, Are Liable for the Wrongful Death of Edward Pursuant to A.R.S. § 12-611)

38. Plaintiffs incorporate the allegations in the paragraphs above as if set forth fully herein.

39. The Deputies had a duty to use only necessary and reasonable force.

40. The Deputies breached their duties, despite knowing or having reason to know that Edward was or would be inappropriately subjected to an unreasonable risk of serious harm, injury, and death as a result of their actions and/or inactions, as identified by the allegations set forth in the paragraphs above.

41. The Deputies' breaches of their duties caused and/or contributed to cause Edward's wrongful death.

42. The Deputies were, at all times material hereto, acting within the course and scope of their employment and the County is vicariously liable for their actions.

43. As a result of the Deputies' actions and inactions, Edward's survivors have been deprived of the continued companionship and society of their son and husband, and have

1 suffered and will continue to suffer in the future a loss of love, affection, companionship, care,
2 protection, guidance, as well as pain, grief, sorrow, anguish, stress, shock, and mental
3 suffering, and have suffered damages in an amount to be proven at trial.

4 **TIER**

5 44. Based on the damages sought in this action, this case is a tier 3 discovery case.

6 **JURY TRIAL**

7 45. Plaintiffs hereby request and demand a trial by jury.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs pray for damages for judgment against Defendants as follows:

- 10 a) General damages in an amount to be proven at trial, as to the causes of action,
11 claims, and theories of relief alleged herein;
- 12 b) Punitive damages against the Deputies in an amount deemed just and reasonable
13 as to the causes of action, claims, and theories of relief alleged herein;
- 14 c) Costs and attorneys' fees against all Defendants, pursuant to 42 U.S.C. §1988;
- 15 d) Such other and further relief which may seem just and reasonable under the
16 circumstances.

17 RESPECTFULLY SUBMITTED this 12th day of December, 2019.

18 **STINSON LLP**

19
20 By: 

21 _____
22 Larry J. Wulkan
23 Jennifer L. Allen
24 Adrianna M. Chavez
25 1850 North Central Avenue, Suite 2100
26 Phoenix, Arizona 85004-4584
27 Attorneys for Plaintiff Lisa Yearick

28 **LAW OFFICES OF J. SCOTT
HALVERSON PC**

By: /s/ J. Scott Halverson

1761 East McNair Drive, Suite 103
Tempe, Arizona 85283-5056
Attorneys for Leigha Huber

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL filed this 12th day of
December, 2019:

Clerk of the Superior Court
Maricopa County

Katleen Kampke

CLERK OF THE SUPERIOR COURT

FILED

DEC 12 2019 *R 4:39*

M. Martin, Deputy

1 Larry J. Wulkan (021404)
 Jennifer L. Allen (027941)
 2 Adrianna M. Chavez (035011)
STINSON LLP
 3 Firm Identification Number 00462400
 1850 North Central Avenue, Suite 2100
 4 Phoenix, Arizona 85004-4584
 Tel: (602) 279-1600
 5 Fax: (602) 240-6925
 Email: larry.wulkan@stinson.com
 6 jennifer.allen@stinson.com
adrianna.chavez@stinson.com
 7 Attorneys for Plaintiff Lisa Yearick

8 J. Scott Halverson
LAW OFFICES OF J. SCOTT HALVERSON PC
 9 1761 East McNair Drive, Suite 103
 Tempe, Arizona 85283-5056
 10 Tel: (480) 777-7776
 Fax: (602) 375-7444
 11 Email: scott@halversonfirm.com
 Attorneys for Plaintiff Leigha Huber

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

15 LISA YEARICK, individually, as
 16 Personal Representative of the Estate of
 EDWARD RUDHMAN, and on behalf
 17 of LEIGHA HUBER, statutory
 beneficiary,

18 Plaintiffs,

19 v.

20 MARICOPA COUNTY, a public entity;
 21 SERGEANT ROBERT LEATHAM and
 JANE DOE LEATHAM, husband and
 22 wife; SERGEANT RYAN KELLEHER
 and JANE DOE KELLEHER, husband
 23 and wife; and DEPUTY PHILIP
 ASIEDU-DARKWA and JANE DOE
 24 ASIEDU-DARKWA, husband and wife,

25 Defendants.

No. CV 2019-015407

**PLAINTIFFS' CERTIFICATE
 REGARDING COMPULSORY
 ARBITRATION**

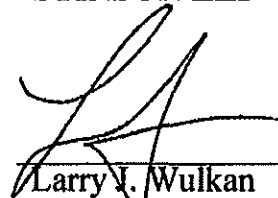
(Assigned to the Honorable _____)

1 The undersigned certifies that the amount in controversy in this matter exceeds \$50,000.
2 Therefore, this case is not subject to compulsory arbitration, as provided by Arizona Rule of
3 Civil Procedure 72, or any other rule.

4 RESPECTFULLY SUBMITTED this 12th day of December, 2019.

STINSON LLP

5
6
7 By:



Larry J. Wulkan
Jennifer L. Allen
Adrianna M. Chavez
1850 North Central Avenue, Suite 2100
Phoenix, Arizona 85004-4584
Attorneys for Plaintiff Lisa Yearick

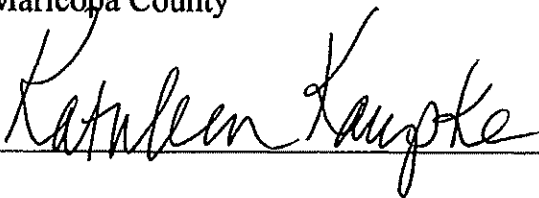
**LAW OFFICES OF J. SCOTT
HALVERSON PC**

8
9
10
11
12
13 By: /s/ J. Scott Halverson

1761 East McNair Drive, Suite 103
Tempe, Arizona 85283-5056
Attorneys for Leigha Huber

14
15
16 ORIGINAL filed this 12th day of
17 December, 2019:

18 Clerk of the Superior Court
19 Maricopa County



In the Superior Court of the State of Arizona
In and For the County of Maricopa

CV2019-015407

NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney Larry J. Wulkan
Attorney Bar Number 021404

Is Interpreter Needed? Yes No

If yes, what language(s):

CLERK OF THE SUPERIOR COURT
FILED
DEC 12 2019 DA 4:39
M. Marin, Deputy

Plaintiff's Name(s): (List all) Plaintiff's Address: Phone #: Email Address:
Lisa Yearick, C/O Larry Wulkan, 1850 N. Central Ave., Suite 2100, Phoenix, AZ 85004 602.279-1600 larry.wulkan@stinson.com
Leigha Huber, C/O Scott Halverson, 1761 E. McNair Dr., #103, Tempe, AZ 85283 480.777.7776 scott@halversonfirm.com

(List additional Plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)
Maricopa County; Sergeant Robert Leatham and Jane Doe Leatham; Sergeant Ryan Kelleher and Jane Doe Kelleher;
Deputy Philip Asiedu-Darkwa and Jane Doe Asiedu-Darkwa

(List additional Defendants on page two and/or attach a separate sheet)

RULE 26.2 DISCOVERY TIER OR MONETARY RELIEF CLAIMED:

IMPORTANT: Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected. State the monetary amount in controversy or place an "X" next to the discovery tier to which the pleadings allege the case would belong under Rule 26.2.

Amount Claimed \$ _____ Tier 1 Tier 2 Tier 3

NATURE OF ACTION

Place an "X" next to the one case category that most accurately describes your primary case. Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected as indicated above.

100 TORT MOTOR VEHICLE:

101 Non-Death/Personal Injury*

102 Property Damage*

103 Wrongful Death*

110 TORT NON-MOTOR VEHICLE:

- 111 Negligence*
- 112 Product Liability – Asbestos*
- 112 Product Liability – Tobacco*
- 112 Product Liability – Toxic/Other*
- 113 Intentional Tort*
- 114 Property Damage*
- 115 Legal Malpractice*
- 115 Malpractice – Other professional*
- 117 Premises Liability*
- 118 Slander/Libel/Defamation*
- 116 Other (Specify) wrongful death *

120 MEDICAL MALPRACTICE:

- 121 Physician M.D.* 123 Hospital*
- 122 Physician D.O.* 124 Other*

130 & 197 CONTRACTS:

- 131 Account (Open or Stated)*
- 132 Promissory Note*
- 133 Foreclosure*
- 138 Buyer-Plaintiff*
- 139 Fraud*
- 134 Other Contract (i.e. Breach of Contract)*
- 135 Excess Proceeds-Sale*
- Construction Defects (Residential/Commercial)*
- 136 Six to Nineteen Structures*
- 137 Twenty or More Structures*
- 197 Credit Card Debt (Maricopa County Only)*

150-199 OTHER CIVIL CASE TYPES:

- 156 Eminent Domain/Condemnation*
- 151 Eviction Actions (Forcible and Special Detainers)*
- 152 Change of Name
- 153 Transcript of Judgment
- 154 Foreign Judgment

- 158 Quiet Title*
- 160 Forfeiture*
- 175 Election Challenge
- 179 NCC-Employer Sanction Action (A.R.S. §23-212)
- 180 Injunction against Workplace Harassment
- 181 Injunction against Harassment
- 182 Civil Penalty
- 186 Water Rights (Not General Stream Adjudication)*
- 187 Real Property *
- Special Action against Lower Courts
(See Lower Court Appeal cover sheet in Maricopa)
- 194 Immigration Enforcement Challenge
(A.R.S. §§1-501, 1-502, 11-1051)

150-199 UNCLASSIFIED CIVIL:

- Administrative Review
(See Lower Court Appeal cover sheet in Maricopa)
- 150 Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)
- 155 Declaratory Judgment
- 157 Habeas Corpus
- 184 Landlord Tenant Dispute – Other*
- 190 Declaration of Factual Innocence (A.R.S. §12-771)
- 191 Declaration of Factual Improper Party Status
- 193 Vulnerable Adult (A.R.S. §46-451)*
- 165 Tribal Judgment
- 167 Structured Settlement (A.R.S. §12-2901)
- 169 Attorney Conservatorships (State Bar)
- 170 Unauthorized Practice of Law (State Bar)
- 171 Out-of-State Deposition for Foreign Jurisdiction
- 172 Secure Attendance of Prisoner
- 173 Assurance of Discontinuance
- 174 In-State Deposition for Foreign Jurisdiction
- 176 Eminent Domain– Light Rail Only*
- 177 Interpleader– Automobile Only*
- 178 Delayed Birth Certificate (A.R.S. §36-333.03)
- 183 Employment Dispute- Discrimination*

185 Employment Dispute-Other*

163 Other* _____

196 Verified Rule 45.2 Petition

(Specify)

195(a) Amendment of Marriage License

195(b) Amendment of Birth Certificate

EMERGENCY ORDER SOUGHT

Temporary Restraining Order

Provisional Remedy

OSC

Election Challenge

Employer Sanction

Other (Specify) _____

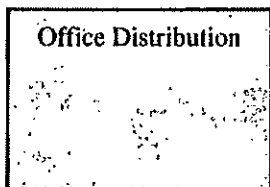
COMMERCIAL COURT (Maricopa County Only)

This case is eligible for the Commercial Court under Rule 8.1, and Plaintiff requests assignment of this case to the Commercial Court. More information on the Commercial Court, including the most recent forms, are available on the Court's website at:

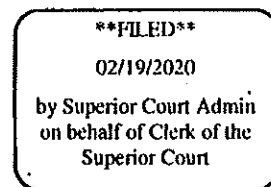
<https://www.superiorcourt.maricopa.gov/commercial-court/>.

Additional Plaintiff(s):

Additional Defendant(s):



**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**



02/15/2020

COURT ADMINISTRATION

Ct. Admin
Deputy

Case Number: CV2019-015407

Lisa Yearick

V.

Maricopa County

The Judge assigned to this action is the Honorable M. Scott McCoy

NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE

You are hereby notified that the complaint filed on 12/12/2019 is subject to dismissal pursuant to Rule 4 (i) of the Arizona Rules of Civil Procedure. The deadline for completing service is 03/11/2020. If the time for completing service has not been extended by the court and no defendants have been served by this date, the case will be dismissed without prejudice.

All documents required to be filed with the court should be electronically filed through Arizona Turbo Court at www.azturbocourt.gov.

Superior Court of Maricopa County - integrated Court Information System
Endorsee Party Listing
Case Number: CV2019-015407

Party Name	Attorney Name	
Leigha Huber	Lawrence J Wulkan	Bar ID: 021404
Lisa Yearick	Lawrence J Wulkan	Bar ID: 021404

ADVANCE Courier Services, LLC
 PO Box 25331, Scottsdale, AZ 85255

CLERK OF THE
 SUPERIOR COURT
 FILED
 A. RODRIGUEZ, DEP

2020 FEB 27 PM 1:45

CERTIFICATE OF SERVICE

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

CV2019-015407

Name of Court

Case Number

LISA YEARICK

MARICOPA COUNTY, et al.

Name of Petitioner/Plaintiff

Name of Defendant/Respondent

I, SALIM MANGOLI, the undersigned, certify under penalty of perjury that I am fully qualified, pursuant to R.C.P. 4(e).45(b), and/or A.R.S. 13-4072, to serve process in this case. I received for service the following document(s) in this action from:

**LARRY J. WULKAN, SBN 021404 (larry.wulkan@stinson.com); JENNIFER L. ALLEN, SBN 027941 (jennifer.allen@stinson.com)
 ADRIANNA M. CHAVEZ, SBN 035011 (adrianna.chavez@stinson.com)
 Stinson, LLP, 1850 N. Central Ave., Ste. 2100, Phoenix, AZ 85004 (602) 279-1600**

1) SUMMONS; 2) COMPLAINT; 3) CERTIFICATE OF COMPULSORY ARBITRATION.

I served: **SERGEANT ROBERT LEATHAM** on: **02.21.20**
 Person or entity served Date

service attempts: **02.21.20 at 2:16 p.m. Documents accepted by Kelly Snarr, legal liaison, a person authorized to accept service.**

Date/Time

DESCRIPTION:

Approximate Age	Sex	Approximate Race/Ethnicity	Approximate Height	Approximate Weight	Approximate Hair color	Beard	Glasses
40	F	CAUCASIAN	5'9"	160	DK BROWN/BLONDE	-	-

PLACE:

Business: **MARICOPA COUNTY SHERIFF'S OFFICE, 550 W. JACKSON ST., PHOENIX, AZ 85003**
 Residence: _____

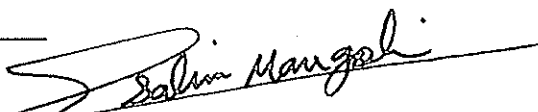
MANNER OF SERVICE

PERSONAL (Personally delivering copies to the person being served)
 SUBSTITUTED AT RESIDENCE (Serving copies at the dwelling house or usual place of abode of the person being served)
 SUBSTITUTED AT BUSINESS (Leaving copies at the office for the person being served with a person apparently in charge)

NON-SERVICE After due search, careful inquiry and diligent attempts at the address(es) above, I have been unable to effect process upon the person/entity being served because of the following reasons:

Unknown at address Moved, no forwarding Service canceled Address does not exist

Service fee: **\$36.50**



 Affiant

2/25/20

Date

ADVANCE Courier Services, LLC
 PO Box 25331, Scottsdale, AZ 85255

CLERK OF THE
 SUPERIOR COURT
 FILED
 A. RODRIGUEZ, DEP
 2020 FEB 27 PM 1:47

CERTIFICATE OF SERVICE

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

CV2019-015407

Name of Court

Case Number

LISA YEARICK

MARICOPA COUNTY, et al.

Name of Petitioner/Plaintiff

Name of Defendant/Respondent

I, SALIM MANGOLI, the undersigned, certify under penalty of perjury that I am fully qualified, pursuant to R.C.P. 4(e).45(b), and/or A.R.S. 13-4072, to serve process in this case. I received for service the following document(s) in this action from:

**LARRY J. WULKAN, SBN 021404 (larry.wulkan@stinson.com); JENNIFER L. ALLEN, SBN 027941 (jennifer.allen@stinson.com)
 ADRIANNA M. CHAVEZ, SBN 035011 (adrianna.chavez@stinson.com)
 Stinson, LLP, 1850 N. Central Ave., Ste. 2100, Phoenix, AZ 85004 (602) 279-1600**

1) SUMMONS; 2) COMPLAINT; 3) CERTIFICATE OF COMPULSORY ARBITRATION.

I served: **DEPUTY PHILIP ASIEDU-DARKWA** on: **02.21.20**
 Person or entity served Date

service attempts **02.21.20 at 2:16 p.m. Documents accepted by Kelly Snarr, legal liaison, a person authorized to accept service.**

Date/Time

DESCRIPTION:	Approximate Age	Sex	Approximate Race/Ethnicity	Approximate Height	Approximate Weight	Approximate Hair color	Beard	Glasses
	40	F	CAUCASIAN	5'9"	160	DK BROWN/BLONDE	-	-

PLACE:

Business: **MARICOPA COUNTY SHERIFF'S OFFICE, 550 W. JACKSON ST., PHOENIX, AZ 85003**
 Residence:

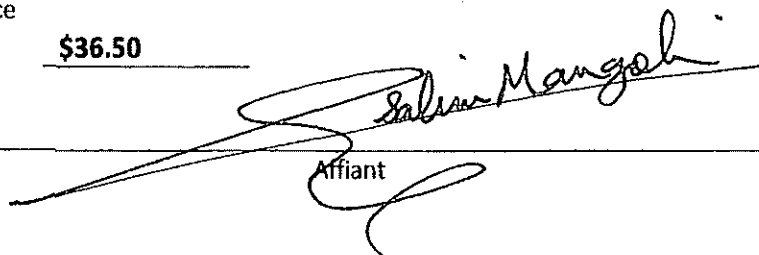
MANNER OF SERVICE

- PERSONAL (Personally delivering copies to the person being served)
- SUBSTITUTED AT RESIDENCE (Serving copies at the dwelling house or usual place of abode of the person being served)
- SUBSTITUTED AT BUSINESS (Leaving copies at the office for the person being served with a person apparently in charge)

NON-SERVICE After due search, careful inquiry and diligent attempts at the address(es) above, I have been unable to effect process upon the person/entity being served because of the following reasons:

- Unknown at address
- Moved, no forwarding
- Service canceled
- Address does not exist

Service fee: **\$36.50**


 Affiant

2/25/20
 Date

ADVANCECourier Services, LLC
PO Box 25331, Scottsdale, AZ 85255

CLERK OF THE
SUPERIOR COURT
FILED
A. RODRIGUEZ, DEP

2020 FEB 27 PM 1:47

CERTIFICATE OF SERVICE

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

CV2019-015407

Name of Court

Case Number

LISA YEARICK

MARICOPA COUNTY, et al.

Name of Petitioner/Plaintiff

Name of Defendant/Respondent

I, SALIM MANGOLI, the undersigned, certify under penalty of perjury that I am fully qualified, pursuant to R.C.P. 4(e).45(b), and/or A.R.S. 13-4072, to serve process in this case. I received for service the following document(s) in this action from:

**LARRY J. WULKAN, SBN 021404 (larry.wulkan@stinson.com); JENNIFER L. ALLEN, SBN 027941 (jennifer.allen@stinson.com)
ADRIANNA M. CHAVEZ, SBN 035011 (adrianna.chavez@stinson.com)
Stinson, LLP, 1850 N. Central Ave., Ste. 2100, Phoenix, AZ 85004 (602) 279-1600**

1) SUMMONS; 2) COMPLAINT; 3) CERTIFICATE OF COMPULSORY ARBITRATION.

I served: **MARICOPA COUNTY** on: **02.21.20**
Person or entity served Date

service attempts **02.21.20 at 2:02 p.m. Documents accepted by Mia Vargas, clerk of Maricopa Board of Supervisors assistant, a person authorized to accept service.**
Date/Time

DESCRIPTION:	Approximate Age	Sex	Approximate Race/Ethnicity	Approximate Height	Approximate Weight	Approximate Hair color	Beard	Glasses
	35	F	HISPANIC	5'6"	230	BLACK	-	-

PLACE:

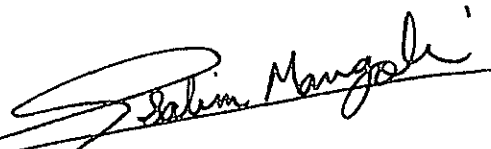
Business: **MARICOPA COUNTY BOARD OF SUPERVISORS, 301 W. JEFFERSON ST., 10TH FL, PHOENIX, AZ 85003**
 Residence:

MANNER OF SERVICE

- PERSONAL (Personally delivering copies to the person being served)
- SUBSTITUTED AT RESIDENCE (Serving copies at the dwelling house or usual place of abode of the person being served)
- SUBSTITUTED AT BUSINESS (Leaving copies at the office for the person being served with a person apparently in charge)
- NON-SERVICE After due search, careful inquiry and diligent attempts at the address(es) above, I have been unable to effect process upon the person/entity being served because of the following reasons:

Unknown at address Moved, no forwarding Service canceled Address does not exist

Service fee: **\$58.00**



Affiant

2/25/20

Date

ADVANCE Courier Services, LLC
 PO Box 25331, Scottsdale, AZ 85255

CLERK OF THE
 SUPERIOR COURT
 FILED
 A. RODRIGUEZ, DEP

2020 FEB 27 PM 1:46

CERTIFICATE OF SERVICE

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

CV2019-015407

Name of Court

Case Number

LISA YEARICK

MARICOPA COUNTY, et al.

Name of Petitioner/Plaintiff

Name of Defendant/Respondent

I, SALIM MANGOLI, the undersigned, certify under penalty of perjury that I am fully qualified, pursuant to R.C.P. 4(e).45(b), and/or A.R.S. 13-4072, to serve process in this case. I received for service the following document(s) in this action from:

**LARRY J. WULKAN, SBN 021404 (larry.wulkan@stinson.com); JENNIFER L. ALLEN, SBN 027941 (jennifer.allen@stinson.com)
 ADRIANNA M. CHAVEZ, SBN 035011 (adrianna.chavez@stinson.com)
 Stinson, LLP, 1850 N. Central Ave., Ste. 2100, Phoenix, AZ 85004 (602) 279-1600**

1) SUMMONS; 2) COMPLAINT; 3) CERTIFICATE OF COMPULSORY ARBITRATION.

I served: **SERGEANT RYAN KELLEHER** on: **02.21.20**
 Person or entity served Date

service attempts: **02.21.20 at 2:16 p.m. Documents accepted by Kelly Snarr, legal liaison, a person authorized to accept service.**
 Date/Time

DESCRIPTION:	Approximate Age	Sex	Approximate Race/Ethnicity	Approximate Height	Approximate Weight	Approximate Hair color	Beard	Glasses
	40	F	CAUCASIAN	5'9"	160	DK BROWN/BLONDE	-	-

PLACE:

Business: **MARICOPA COUNTY SHERIFF'S OFFICE, 550 W. JACKSON ST., PHOENIX, AZ 85003**
 Residence:

MANNER OF SERVICE

PERSONAL (Personally delivering copies to the person being served)
 SUBSTITUTED AT RESIDENCE (Serving copies at the dwelling house or usual place of abode of the person being served)
 SUBSTITUTED AT BUSINESS (Leaving copies at the office for the person being served with a person apparently in charge)
 NON-SERVICE After due search, careful inquiry and diligent attempts at the address(es) above, I have been unable to effect process upon the person/entity being served because of the following reasons:

Unknown at address Moved, no forwarding Service canceled Address does not exist

Service fee: **\$36.50**

Salim Mangoli
 Affiant

2/25/20
 Date

CLERK OF THE
SUPERIOR COURT
FILED
A. RODRIGUEZ, DEP

2020 FEB 27 PM 1:47

1 Larry J. Wulkan (021404)
Jennifer L. Allen (027941)
2 Adrianna M. Chavez (035011)
3 **STINSON LLP**
Firm Identification Number 00462400
1850 North Central Avenue, Suite 2100
4 Phoenix, Arizona 85004-4584
Tel: (602) 279-1600
5 Fax: (602) 240-6925
Email: larry.wulkan@stinson.com
6 jennifer.allen@stinson.com
adrianna.chavez@stinson.com

ORIGINAL

7 Attorneys for Plaintiff Lisa Yearick

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at
602-257-4434
or visit www.lawsonline.org
sponsored by the
Maricopa County Bar Association.

8 J. Scott Halverson
LAW OFFICES OF J. SCOTT HALVERSON PC
9 1761 East McNair Drive, Suite 103
Tempe, Arizona 85283-5056
10 Tel: (480) 777-7776
Fax: (602) 375-7444
11 Email: scott@halversonfirm.com
Attorneys for Plaintiff Leigha Huber

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

14 LISA YEARICK, individually, as
15 Personal Representative of the Estate of
EDWARD RUDHMAN, and on behalf of
16 LEIGHA HUBER, statutory beneficiary,

No. CV 2019-015407

17 Plaintiffs,

SUMMONS

(Assigned to the Honorable _____)

18 v.

19 MARICOPA COUNTY, a public entity;
20 SERGEANT ROBERT LEATHAM and
JANE DOE LEATHAM, husband and
21 wife; SERGEANT RYAN KELLEHER
and JANE DOE KELLEHER, husband and
22 wife; and DEPUTY PHILIP ASIEDU-
DARKWA and JANE DOE ASIEDU-
DARKWA, husband and wife,

23 Defendants.
24

25 **WARNING: This is an official document from the court that affects your rights.**
26 **Read this carefully. If you do not understand it, contact a lawyer for help.**

27 **THE STATE OF ARIZONA TO THE DEFENDANT:**

28 **Maricopa County**

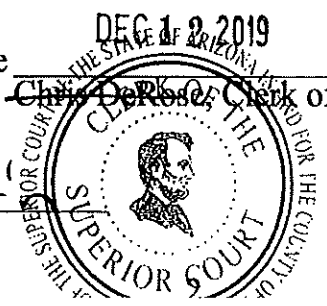
1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the:
 - Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 OR
 - Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR
 - Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 OR
 - Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.

Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.

3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:
 - 601 West Jackson, Phoenix, Arizona 85003
 - 18380 North 40th Street, Phoenix, Arizona 85032
 - 222 East Javelina Avenue, Mesa, Arizona 85210
 - 14264 West Tierra Buena Lane, Surprise, Arizona, 85374
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

SIGNED AND SEALED this date DEC 12 2019 JEFF FINE, CLERK

By: [Signature]
Deputy Clerk



CLERK OF THE
SUPERIOR COURT
FILED
A. RODRIGUEZ, DEP

2020 FEB 27 PM 1:47

ORIGINAL

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at
602-957-4434

or
www.maricopaleaders.org

sponsored by the
Maricopa County Bar Association

1 Larry J. Wulkan (021404)
Jennifer L. Allen (027941)
2 Adrianna M. Chavez (035011)
STINSON LLP

3 Firm Identification Number 00462400
1850 North Central Avenue, Suite 2100
4 Phoenix, Arizona 85004-4584
Tel: (602) 279-1600
5 Fax: (602) 240-6925
Email: larry.wulkan@stinson.com
6 jennifer.allen@stinson.com
adrianna.chavez@stinson.com

7 Attorneys for Plaintiff Lisa Yearick

8 J. Scott Halverson
LAW OFFICES OF J. SCOTT HALVERSON PC

9 1761 East McNair Drive, Suite 103
Tempe, Arizona 85283-5056
10 Tel: (480) 777-7776
Fax: (602) 375-7444

11 Email: scott@halversonfirm.com
Attorneys for Plaintiff Leigha Huber

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

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

14 LISA YEARICK, individually, as
15 Personal Representative of the Estate of
EDWARD RUDHMAN, and on behalf of
16 LEIGHA HUBER, statutory beneficiary,

17 Plaintiffs,

18 v.

19 MARICOPA COUNTY, a public entity;
20 SERGEANT ROBERT LEATHAM and
JANE DOE LEATHAM, husband and
21 wife; SERGEANT RYAN KELLEHER
and JANE DOE KELLEHER, husband and
22 wife; and DEPUTY PHILIP ASIEDU-
DARKWA and JANE DOE ASIEDU-
DARKWA, husband and wife,

23 Defendants.

No.

CV 2019-015407

SUMMONS

(Assigned to the Honorable _____)

25 **WARNING: This is an official document from the court that affects your rights.**
26 **Read this carefully. If you do not understand it, contact a lawyer for help.**

27 **THE STATE OF ARIZONA TO THE DEFENDANT:**

28 **Deputy Philip Asiedu-Darkwa**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".

2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the:

- Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 OR
- Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR
- Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 OR
- Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.

Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.

3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.

4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:

- 601 West Jackson, Phoenix, Arizona 85003
- 18380 North 40th Street, Phoenix, Arizona 85032
- 222 East Javelina Avenue, Mesa, Arizona 85210
- 14264 West Tierra Buena Lane, Surprise, Arizona, 85374

5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.

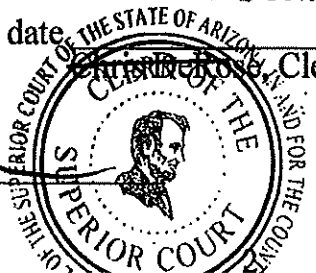
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

DEC 1 2 2019

JEFF FINE, CLERK

SIGNED AND SEALED this date, _____ Clerk of Court

By: 
Deputy Clerk



2020 FEB 27 PM 1:47

CLERK OF THE
SUPERIOR COURT
FILED
A. RODRIGUEZ, DEP

ORIGINAL

1 Larry J. Wulkan (021404)
Jennifer L. Allen (027941)
2 Adrianna M. Chavez (035011)
STINSON LLP
3 Firm Identification Number 00462400
1850 North Central Avenue, Suite 2100
4 Phoenix, Arizona 85004-4584
Tel: (602) 279-1600
5 Fax: (602) 240-6925
Email: larry.wulkan@stinson.com
6 jennifer.allen@stinson.com
adrianna.chavez@stinson.com
7 Attorneys for Plaintiff Lisa Yearick

If you would like legal advice from a lawyer
contact the Lawyer Referral Service at
602-251-7474

Maricopa County Bar Association
2020 FEB 27 PM 1:47

8 J. Scott Halverson
LAW OFFICES OF J. SCOTT HALVERSON PC
9 1761 East McNair Drive, Suite 103
Tempe, Arizona 85283-5056
10 Tel: (480) 777-7776
Fax: (602) 375-7444
11 Email: scott@halversonfirm.com
Attorneys for Plaintiff Leigha Huber

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

12
13
14 LISA YEARICK, individually, as
15 Personal Representative of the Estate of
EDWARD RUDHMAN, and on behalf of
16 LEIGHA HUBER, statutory beneficiary,

No.

CV 2019-015407

SUMMONS

(Assigned to the Honorable _____)

17 Plaintiffs,

18 v.

19 MARICOPA COUNTY, a public entity;
20 SERGEANT ROBERT LEATHAM and
JANE DOE LEATHAM, husband and
21 wife; SERGEANT RYAN KELLEHER
and JANE DOE KELLEHER, husband and
22 wife; and DEPUTY PHILIP ASIEDU-
DARKWA and JANE DOE ASIEDU-
DARKWA, husband and wife,

23 Defendants.
24

25 **WARNING: This is an official document from the court that affects your rights.**
26 **Read this carefully. If you do not understand it, contact a lawyer for help.**

27 **THE STATE OF ARIZONA TO THE DEFENDANT:**

28 **Sergeant Ryan Kelleher**

1 1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".

2 2. If you do not want a judgment or order taken against you without your input, you must
3 file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you
4 do not file an "Answer" or "Response" the other party may be given the relief requested
in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the
"Answer" or "Response" to the:

- 5 • Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona
85003-2205 OR
- 6 • Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona
85032 OR
- 7 • Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona
85210-6201 OR
- 8 • Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise,
9 Arizona, 85374.

10 Mail a copy of your "Response" or "Answer" to the other party at the address listed on
the top of this Summons.

11 3. If this "Summons" and the other court papers were served on you by a registered process
12 server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be
13 filed within TWENTY (20) CALENDAR DAYS from the date you were served, not
14 counting the day you were served. If this "Summons" and the other papers were served
15 on you by a registered process server or the Sheriff outside the State of Arizona, your
Response must be filed within THIRTY (30) CALENDAR DAYS from the date you
were served, not counting the day you were served. Service by a registered process server
or the Sheriff is complete when made. Service by Publication is complete thirty (30) days
after the date of the first publication.

16 4. You can get a copy of the court papers filed in this case from the Petitioner at the address
17 listed at the top of the preceding page, from the Clerk of the Superior Court's Customer
Service Center at:

- 18 • 601 West Jackson, Phoenix, Arizona 85003
- 19 • 18380 North 40th Street, Phoenix, Arizona 85032
- 20 • 222 East Javelina Avenue, Mesa, Arizona 85210
- 14264 West Tierra Buena Lane, Surprise, Arizona, 85374

21 5. Requests for reasonable accommodation for persons with disabilities must be made to the
22 office of the judge or commissioner assigned to the case, at least ten (10) judicial days
before your scheduled court date.

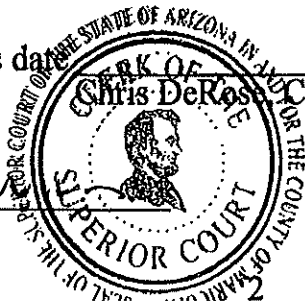
23 6. Requests for an interpreter for persons with limited English proficiency must be made to
24 the office of the judge or commissioner assigned to the case at least ten (10) judicial days
in advance of your scheduled court date.

DEC 1 2 2019

JEFF FINE, CLERK

25 SIGNED AND SEALED this date _____
26 Chris DeRosa, Clerk of Court

27 By: [Signature]
28 Deputy Clerk



CLERK OF THE
SUPERIOR COURT
FILED

Wendy A. Rodriguez
WENDY A. RODRIGUEZ, DEP

2020 FEB 27 PM 1:46

1 Larry J. Wulkan (021404)
Jennifer L. Allen (027941)
2 Adrianna M. Chavez (035011)
STINSON LLP
3 Firm Identification Number 00462400
1850 North Central Avenue, Suite 2100
4 Phoenix, Arizona 85004-4584
Tel: (602) 279-1600
5 Fax: (602) 240-6925
Email: larry.wulkan@stinson.com
6 jennifer.allen@stinson.com
adrianna.chavez@stinson.com
7 Attorneys for Plaintiff Lisa Yearick

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at
602-257-4474

www.maricopacountybar.org
Sponsored by the
Maricopa County Bar Association

8 J. Scott Halverson
LAW OFFICES OF J. SCOTT HALVERSON PC
9 1761 East McNair Drive, Suite 103
Tempe, Arizona 85283-5056
10 Tel: (480) 777-7776
Fax: (602) 375-7444
11 Email: scott@halversonfirm.com
Attorneys for Plaintiff Leigha Huber

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

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

14 LISA YEARICK, individually, as
15 Personal Representative of the Estate of
EDWARD RUDHMAN, and on behalf of
16 LEIGHA HUBER, statutory beneficiary,

17 Plaintiffs,

18 v.

19 MARICOPA COUNTY, a public entity;
20 SERGEANT ROBERT LEATHAM and
JANE DOE LEATHAM, husband and
21 wife; SERGEANT RYAN KELLEHER
and JANE DOE KELLEHER, husband and
22 wife; and DEPUTY PHILIP ASIEDU-
DARKWA and JANE DOE ASIEDU-
DARKWA, husband and wife,

23 Defendants.
24

No.

SUMMONS CV 2019-015407

(Assigned to the Honorable _____)

25 **WARNING: This is an official document from the court that affects your rights.**
26 **Read this carefully. If you do not understand it, contact a lawyer for help.**

27 **THE STATE OF ARIZONA TO THE DEFENDANT:**

28 **Sergeant Robert Leatham**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the:
 - Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 OR
 - Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR
 - Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 OR
 - Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.

Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.

3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:
 - 601 West Jackson, Phoenix, Arizona 85003
 - 18380 North 40th Street, Phoenix, Arizona 85032
 - 222 East Javelina Avenue, Mesa, Arizona 85210
 - 14264 West Tierra Buena Lane, Surprise, Arizona, 85374
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

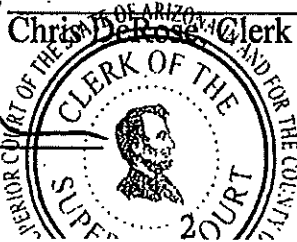
DEC 1 2 2019

JEFF FINE, CLERK

SIGNED AND SEALED this date

Chris DeRose Clerk of Court

By: [Signature]
Deputy Clerk



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit B

Superior Court Notice of Removal
to the Federal District Court

1 ALLISTER ADEL
2 MARICOPA COUNTY ATTORNEY

3 By: CHARLES TRULLINGER (018936)
4 SHERLE FLAGGMAN (019079)
5 Deputy County Attorneys
6 trullinc@mcao.maricopa.gov
7 lockerbj@mcao.maricopa.gov

8 CIVIL SERVICES DIVISION
9 Security Center Building
10 222 North Central Avenue, Suite 1100
11 Phoenix, Arizona 85004
12 Telephone (602) 506-8541
13 Facsimile (602) 506-8567
14 ca-civilmailbox@mcao.maricopa.gov
15 MCAO Firm No. 00032000

16 Attorney for Defendant Maricopa County

17 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
18 **IN AND FOR THE COUNTY OF MARICOPA**

19 LISA YEARICK, individually, as Personal
20 Representative of the Estate of EDWARD
21 RUDHMAN and on behalf of LEIGHA
22 HUBER, statutory beneficiary,

23 Plaintiff,

24 v.

25 MARICOPA COUNTY, a public entity;
26 SERGEANT ROBERT LEATHAM and JANE
27 DOE LEATHMAN, husband and wife;
28 SERGEANT RYAN KELLEHER and JANE
DOE KELLEHER, husband and wife; and
DEPUTY PHILIP ASIEDU-DARK WA and
JANE DOE ASIEDU-DARKWA, husband
and wife.

Defendants.

NO. CV2019-015407

**NOTICE OF FILING NOTICE OF
REMOVAL**

Honorable M. Scott McCoy

TO THE CLERK OF THE COURT AND PLAINTIFF:

PLEASE TAKE NOTICE THAT defendants, Maricopa County Sergeant Robert

1 Leatham, Sergeant Ryan Kelleher and Deputy Philip Asiedu-Darkwa, hereby notify this
2 Court that they have filed a Notice of Removal of this action to the United States District
3 Court for the District of Arizona.

4
5 A copy of the Notice of Removal (without) attachments filed March 16, 2020, is
6 attached hereto as Exhibit A.

7 **RESPECTFULLY SUBMITTED** this 16 day of March, 2020.

8
9 ALLISTER ADEL
MARICOPA COUNTY ATTORNEY

10 BY: /s/ Charles Trullinger
11 CHARLES TRULLINGER
12 SHERLE FLAGGMAN
13 Deputy County Attorneys
*Attorneys for Defendant Maricopa
County*

14 ORIGINAL of the foregoing E-Filed
15 This 16th day of March, 2020, and a
16 copy electronically distributed to:

17 The Honorable M. Scott McCoy
18 Judge of the Superior Court
19 East Court Building
101 West Jefferson Street
Phoenix, Arizona 85003

20 and Copies electronically served
21 via TurboCourt and emailed to:

22 Larry Wulkan
23 Jennifer L. Allen
24 Adrianna M. Chavez
25 Stimpson LLP
1850 N. Central Ave, Suite 2100
Phoenix 85004-4584
26 larry.wulkan@stinson.com
jennifer.allen@stinson.com
Adriana.chavez@stinson.com
27 *Attorney for Plaintiff Lisa Yearick*

28 J. Scott Halverson

1 Law office of J. Scott Halverson
1761 E. McNair Drive, Suite 103
2 Tempe 85283-5056
scott@halversonfirm.com
3 *Attorney for Leigha Huber*

4 */s/ D. Shinabarger*

5 S:\CIVIL\CIV\Matters\CJ2019\Yearick, Lisa vs MC CJ2019 0156\Pleadings\Notice of Removal\Sup Ct Notice of Removal 03.04.20.docx
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Notice of Removal of Maricopa County
Superior Court Case NO. CV2019-015407
to the United States District Court
(Without Exhibits)

1 ALLISTER ADEL
2 MARICOPA COUNTY ATTORNEY

3 By: CHARLES TRULLINGER (018936)
4 SHERLE FLAGGMAN (019079)
5 Deputy County Attorneys
6 trullinc@mcao.maricopa.gov
7 lockerbj@mcao.maricopa.gov

8 CIVIL SERVICES DIVISION
9 Security Center Building
10 222 North Central Avenue, Suite 1100
11 Phoenix, Arizona 85004
12 Telephone (602) 506-8541
13 Facsimile (602) 506-8567
14 ca-civilmailbox@mcao.maricopa.gov
15 MCAO Firm No. 00032000

16 Attorney for Defendants Maricopa County,
17 Leatham, Kelleher and Asiedu-Darkwa

18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF ARIZONA**

20 LISA YEARICK, individually, as Personal
21 Representative of the Estate of EDWARD
22 RUDHMAN and on behalf of LEIGHA
23 HUBER, statutory beneficiary,

24 Plaintiff,

25 v.

26 MARICOPA COUNTY, a public entity;
27 SERGEANT ROBERT LEATHAM and JANE
28 DOE LEATHMAN, husband and wife;
SERGEANT RYAN KELLEHER and JANE
DOE KELLEHER, husband and wife; and
DEPUTY PHILIP ASIEDU-DARKWA and
JANE DOE ASIEDU-DARKWA, husband
and wife.

Defendants.

NO.

**NOTICE OF REMOVAL OF
MARICOPA COUNTY SUPERIOR
COURT CASE NO. CV2019-015407
TO THE UNITED STATES
DISTRICT COURT**

1 Defendants, Maricopa County, Leatham, Kelleher and Asiedu-Darkwa, by and
2 through undersigned counsel and pursuant to 28 U.S.C. §§1441(c), §1446(a), and Rule
3 3.6, Rules of Practice of the United States District Court for the District of Arizona, notice
4 the removal of the above-captioned case, cause number CV2019-015407, from the
5 Arizona Superior Court, Maricopa County, to this Court, and in support of removal assert
6 the following:
7

8 1. On or about December 12, 2019, Plaintiff filed a Complaint against
9 Defendants in the Superior Court of the State of Arizona for the County of Maricopa
10 under the caption *Lisa Yearick v. Maricopa County, et al.*, No. CV2019-015407. A copy
11 of the Complaint and all other documents previously filed in this matter and served on
12 Defendants is attached hereto as Exhibit A.
13

14 2. The Complaint was served on Defendants Maricopa County, Leatham,
15 Kelleher, and Asiedu-Darkwa on February 21, 2020. Jane Doe Leatham, Jane Doe
16 Kelleher, and Jane Doe Asiedu-Darkwa have not yet been served.
17

18 3. The Defendants have not pleaded, answered or otherwise appeared in the
19 action.
20

21 4. This Notice of Removal is filed within 30 days after service of the
22 Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).
23

24 5. The lawsuit filed in Maricopa County, among other claims, alleges the
25 violation of Plaintiff's rights under the Fourth Amendment of the U.S. Constitution and is
26 brought pursuant to 42 U.S.C. § 1983.
27
28

1 via TurboCourt and emailed to:

2 Larry Wulkan
3 Jennifer L. Allen
4 Adrianna M. Chavez
5 Stimpson LLP
6 1850 N. Central Ave, Suite 2100
7 Phoenix 85004-4584
8 larry.wulkan@stinson.com
9 jennifer.allen@stinson.com
10 Adriana.chavez@stinson.com
11 *Attorney for Plaintiff Lisa Yearick*

12 J. Scott Halverson
13 Law office of J. Scott Halverson
14 1761 E. McNair Drive, Suite 103
15 Tempe 85283-5056
16 scott@halversonfirm.com
17 *Attorney for Leigha Huber*

18 */s/ D. Shinabarger* _____

19 S:\CIVIL\CIV\Matters\CJ2019\Yearick, Lisa vs MC CJ2019 0156\Pleadings\Notice of Removal2. NO of Removal of MC Sup Crt to Dist Court 03.04.20.docx

20
21
22
23
24
25
26
27
28

From: [TurboCourt Customer Service](#)
To: [Debra Shinabarger](#); [Charles Trullinger](#); [Darcie Loucks](#)
Subject: AZTurboCourt E-Filing Courtesy Notification
Date: Monday, March 16, 2020 1:43:46 PM

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #4421369 has been delivered to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2019-015407 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Charles E Trullinger

AZTurboCourt Form Set: #4421369

Keyword/Matter #: CJ2019 0156

Delivery Date and Time: Mar 16, 2020 1:43 PM MST

Forms:

Summary Sheet (This summary sheet will not be filed with the court. This sheet is for your personal records only.)

Attached Documents:

Notice of Removal to Federal Court: Notice of Filing Notice of Removal
Exhibit/Attachment (Supporting): Exhibit A

E-Service notification was sent to the following recipient(s):

Adrianna M. Chavez at Adrianna.chaviz@stinson.com

J. Scott Halverson at scott@halversonfirm.com

Jennifer L. Allen at Jennifer.allen@stinson.com

Larry Wulkan at larry.wulkan@stinson.com