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14 *Attorneys for Plaintiffs*

15 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
16 **IN AND FOR THE COUNTY OF YAVAPAI**

17 CORINNE BRAUN, a single woman, in her
18 individual capacity, and as personal
19 representative of the estate of Michele A.
20 Braun (deceased),

21 Plaintiff,

22 v.

23 SEDONA FIRE DISTRICT (“SFD”);
24 JAYSON COIL, in his official and individual
25 capacity; EDWARD MEZULIS, in his
26 official and individual capacity; VERDE
27 VALLEY MEDICAL CENTER; JANE
28 DOES I-X; and JOHN DOES I-X; and
CORPORATION Y,

Defendants.

Case No.

VERIFIED COMPLAINT

(Bench Trial Demanded)

(Tier Three)

29 Corinne Braun, by and through undersigned counsel, brings this complaint for
30 damages against all Defendants in her individual capacity and brings this complaint as
31 personal representative of the estate of Michele A. Braun against Sedona Fire District
32 (“SFD”) and Verde Valley Medical Center (“VVMC”), and alleges as follows:

PARTIES

1
2 1. Michele Braun (“Michele”) was a resident of Yavapai County, Arizona,
3 before her death on September 15, 2023.

4 2. Corinne Braun (“Corinne”) is a personal representative of the estate of
5 Michele Braun.

6 3. Corinne served as Michele’s healthcare agent under a Durable Power of
7 Attorney for Healthcare (“HPOA”), dated January 15, 2020.

8 4. Defendant Verde Valley Medical Center is an Arizona nonprofit corporation
9 doing business in Yavapai County, Arizona.

10 5. Unnamed Aider and Abettor RB is and was at all times relevant to this
11 complaint an employee of the Adult Protective Services (“APS”) Division of the Arizona
12 Department of Economic Security (“DES”) and, on information and belief, is a resident of
13 Yavapai County.

14 6. Unnamed Aider and Abettor RL is and was at all times relevant to this
15 complaint an employee of the Adult Protective Services (“APS”) division of the Arizona
16 Department of Economic Security (“DES”) and, on information and belief, is a resident of
17 Yavapai County.

18 7. Defendant Sedona Fire District (“SFD”) is a political subdivision of the State
19 of Arizona . The current members of the governing board are Scott Springett, Janet Jablow,
20 David Soto, Corrie Cooperman, and Helen Briggs McNeal.

21 8. Defendant Jayson Coil is an Assistant Fire Chief for the Sedona Fire District
22 and a resident of Yavapai County. Jayson Coil is married to Jane Doe. At all relevant times
23 hereto, Mr. Coil was acting behalf of and in furtherance of the community.

24 9. Defendant Edward Mezulis is the Fire Chief for the Sedona Fire District and
25 a resident of Yavapai County. Edward Mezulis is married to Jane Doe. At all relevant times
26 hereto, Mr. Mezulis was acting behalf of and in furtherance of the community.

1 offered by SFD and because she was advocating for her mother's care and she wanted to
2 fulfill Michele's wishes by ensuring Michele was able to stay in her home instead of a care
3 facility.

4 28. Corinne did not ask SFD, its agents or employees, for medical advice or for
5 other assistance with Michele's daily living activities.

6
7 Michele's Healthcare Beliefs

8 29. Corinne knew her mother's healthcare wishes.

9 30. Michele believed in the value of life. Michele, a Catholic, had a personal
10 belief that life should be preserved and continued.

11 31. Michele's relatives had a history of living well past 100 years old. Some lived
12 to be 109. Michele had a desire to live.

13 32. Corinne and Michele believed that an elderly person's life is as important as
14 a child's life, whether or not the elderly person or the child is able to feed or take care of
15 themselves.

16 33. There is a difference between institutional care and personal care. Michele
17 and Corinne believed that a person should be able to care for one's own family.

18 34. As agent under the HPOA, which Michele never revoked, Corinne had
19 authority to make healthcare decisions for Michele.

20 35. The POA authorized Corinne to employ and discharge medical personnel as
21 she deemed necessary for Michele's physical, mental, and emotional well-being.

22 36. The HPOA authorized Corinne to "give or withhold consent" as to Michele's
23 medical care.

24 37. The POA authorized Corinne to summon paramedics or other emergency
25 medical personnel and seek emergency treatment for Michele.

26 38. Corinne was authorized to sign waivers for Michele to leave a hospital or
27 healthcare facility against medical advice. Michele directed that her wishes to refuse
28 medical treatment be honored.

1 49. Jayson Coil asked SFD employees to report to him past “abuse, emotional
2 abuse, and neglect”, even though they would have had a legal duty to report any such abuse,
3 emotional abuse, or neglect if they had seen it previously.

4 50. At least one member of “the primary crews running on [Michele]” pushed
5 back on the idea of abuse of Michele by Corinne.

6 51. In or around June 2023, Jayson Coil reported his allegations to unnamed
7 aiders and abettors, RL and RB at APS.

8 52. Unnamed aider and abettor RL responded to the Jayson Coil’s allegations in
9 the normal course of an investigation at the Braun residence for potential elder abuse.

10 53. On or around July 13th, 2023, unnamed aider and abettor RL closed the elder
11 abuse complaint because the investigation determined any suggestion of elder abuse was,
12 as a matter of fact, unsubstantiated.

13 54. APS advised SFD that the allegations did not constitute abuse or neglect.

14 55. Unbeknownst to Corinne, a second APS complaint was filed shortly
15 thereafter by SFD repeating the same allegations made in the first complaint which
16 allegations were dismissed as factually unsubstantiated (i.e., there was no finding of elder
17 abuse) by Unnamed Aider and Abettor RL.

18 56. SFD, its agents and employees, and APS, its employees and agents, knew
19 that Corinne was not abusing or neglecting her mother, but continued to look for allegations
20 to make it appear that Corinne was abusing or neglecting her mother so SFD could stop
21 providing service to Michele.

22 57. Unnamed aider and abettor RL kept this second report open without
23 conducting an investigation, in violation of A.C.C. R6-8-206 and in violation of the rights
24 of Michele and her daughter, Plaintiff Corinne.

25 58. On July 15, 2023, Defendant Assistant Fire Chief Jayson Coil, conducted a
26 telephone conversation with Corinne in which he expressly acknowledged Corinne’s
27 HPOA, but made it known to her that his response team would remove Michele from her
28 care irrespective of the HPOA. He did so, knowing that unless there was actual and truthful

1 cause to protect Michele, removing Michele without a Court Order would violate the
2 personal and constitutional rights of Michele as well as the rights of Corinne including her
3 specific powers of authority granted to her through her aforementioned HPOA.

4 59. APS, its employees and agents, threatened Michele's healthcare workers if
5 they would not provide APS with allegations of abuse and neglect.

6 60. SFD, its employees and agents, and unnamed aiders and abettors RL and RB
7 tried to coerce Corinne to place her mother in an assisted living facility or nursing home.

8 61. In furtherance of their scheme to deny service, SFD, its employees and
9 agents, and APS, its employees and agents, continued to scrutinize Corinne's conduct for
10 anything that could remotely be considered abuse or neglect, as a pretext to wrongfully and
11 deliberately interfering with Plaintiffs HPOA.

12 SFD Removes Michele From Her Home Without Authority or Consent

13 62. On information and belief, Jacob Tavrytzky, Indiana Palmer, Casey Carr,
14 Isaish Moore, Mark Essary, Noah Stone, Mark Fenney, Dave Cocheran, Cooper Carr and
15 Allen Schimberg were present in Michele's home and participated in the following
16 described events of August 18 and/or 19, 2023.

17 63. The SFD employees were not licensed caregivers and were licensed for only
18 certain emergency medical services.

19 64. During the events relevant hereto, Defendants Ed Mezulis and Jayson Coil
20 supervised the individuals listed in paragraph 62 above.

21 65. In the evening of August 18, 2023, Corinne called SFD for a routine lift assist
22 (and not medical advice).

23 66. SFD reported that when they came to Michele's home, Michele was in pain.
24 SFD refused to place her in a sitting position.

25 67. SFD reported that Corinne and the healthcare aides were concerned about
26 dehydration.
27
28

1 68. Corinne wanted her mother to be moved to the “commode” and then to a
2 chair so she could drink.

3 69. The SFD crew insisted that was not necessary because Michele had a catheter
4 (even though a catheter has nothing to do with bowel movements).

5 70. Casey Carr, who is licensed as an “EMT – Basic”, reported that Corinne
6 “refused to take our medical advice”.

7 71. Dr. Howland had previously cautioned Corinne against following medical
8 advice of firemen and questioned some of the advice SFD firemen gave Corinne.

9 72. SFD refused to acknowledge Corinne’s understanding and better
10 appreciation of her mother’s needs. Corinne had been her mother’s constant caregiver for
11 several months and had lived with her for years. Corinne knew and understood what her
12 mother needed, even if it did not fit neatly into a protocol intended for general application.

13 73. Corinne spent several hours every day helping her mother eat and drink.
14 Corinne knew that her mother needed to be in a certain position to eat and drink to avoid
15 aspirating. Corinne knew that getting out of bed and moving around would help her mother.
16 SFD did not help Michele eat and drink. SFD had no knowledge of Michele’s individual
17 needs. SFD was not asked for medical advice or to be Michele’s caregivers.

18 74. SFD convinced Corinne to let them take Michele to Defendant Verde Valley
19 Medical Center (“VVMC”) for hydration as an alternative to them assisting her out of bed
20 to a chair in order for her to safely eat and hydrate.

21 75. Corinne had trepidation about the transport to VVMC as she had been
22 advised by Michele’s Physician, Dr. Brenda Howland, that such a transport to and stay at
23 a hospital could overly strain her mother, especially if there was no medical emergency.

24 76. Michele’s stay at VVMC was relatively brief. Corinne brought Michele
25 home and SFD returned to Michele’s home around 12:45 AM on August 19, 2023, to help
26 Michele get back into her home.

27
28

1 77. Later, on August 19, 2023, at about 1:30 in the afternoon, Corinne called for
2 another lift assist to which a new and different SFD crew responded, namely, Noah Stone
3 and Mark Feeney.

4 78. SFD claimed Michele’s oxygen was low, but Michele did not appear to be in
5 distress.

6 79. Michele had oxygen by her bedside that could have been given to her.

7 80. Corinne knew from experience that her mother’s oxygen would be fine as
8 soon as SFD repositioned her mother.

9 81. SFD disagreed with a healthcare decision made by Corinne on behalf of her
10 mother, Michele. SFD made medical determinations and decisions without legal authority
11 and used intimidation to impose its values and judgments on Corinne and Michele.

12 82. Under false pretenses and over Corinne’s express objections and authority as
13 Michele’s healthcare HPOA, this new SFD crew unlawfully and without a court order
14 seized and removed (i.e., medically kidnapped) Michele and returned her to VVMC
15 causing Corinne acute and severe emotional distress and physical trauma as she feared for
16 her mother’s safety and life.

17 83. SFD, its agents and employees, had actual notice that Corinne was the health
18 care agent and surrogate of Michele. SFD actually reviewed Michele’s medical power of
19 attorney.

20 84. After transporting Michele to VVMC, SFD attempted to justify its unlawful
21 removal of Michele from her home (i.e., medical kidnapping) by creating a false narrative.
22 SFD alleged that at a prior visit to Michele’s home in the early morning hours of August
23 19, 2023, Corinne had assaulted or otherwise abused her mother.

24 85. SFD reports do not show that they “immediately” reported abuse to Adult
25 Protective Services or to the police with respect to that visit.

26 86. SFD did not report any allegations of abuse to the responding police officer
27 who came to Michele’s home when SFD removed Michele from her home.

28 87. According to the Sedona Police Department report, call number 2313996, no

1 one from the SFD advised Sedona Police Department that there was any abuse. SFD only
2 advised the police that SFD believed Corinne was “interfering with their duties”.

3 88. The SFD’s Dave Cochran sent an email at about 9:23 a.m. on August 19,
4 2023 that gave Defendants Ed Mezulis and Jayson Coil a summary of that early morning
5 visit to Michele’s home. Dave Cochran advised them that he told Corinne that SFD would
6 no longer provide service. He casually noted “that during the final response at 0326 the
7 crew witnessed an act that could be considered abusive and they will make sure it is all
8 documented in ESO.”

9 89. It was well known by the health care aids and the SFD crews that Michele
10 was sensitive and would yelp in pain when moved or merely touched.

11 90. Corinne did not abuse or neglect Michele. To the contrary, Corinne was
12 extremely diligent and careful to provide the best care possible in accordance with
13 Michele’s known wishes.

14 91. SFD embellished and exaggerated allegations, as a pretext, so they could stop
15 service to Michele’s house for lift assistance.

16 92. Defendant SFD personnel corruptly used the authority of unnamed aiders
17 and abettors RL & RB, and the fear of APS involvement to coerce and intimidate Corinne
18 and Michele, into providing the healthcare SFD wanted, even though it was contrary to
19 Michele’s wishes.

20 93. Contrary to Corinne’s direction under the HPOA, VVMC refused to provide
21 the care and feeding that Michele needed to eat and to live, and otherwise refused to listen
22 to Corinne’s concerns and her instructions for what Michele needed.

23 94. On and after August 19, 2024, without court order or other legal authority,
24 Defendant VVMC refused to let Corinne visit Michele or to let Corinne transfer Michele
25 to another healthcare facility. Contrary to the HPOA, Defendant VVMC assumed
26 responsibility for Michele, imposed its own values and desires on Michele, and failed to
27 provide the care Michele desired through her representative Corinne, which is medical
28 kidnapping.

1 95. By forcibly seizing and removing Michele, Defendant SFD, its employees
2 and its agents dictated medical advice and enforced that advice without license or legal
3 authority.

4 96. Defendants SFD and VVMC and APS, through the unnamed aiders and
5 abettors RL and RB, unjustly imposed their medical advice and beliefs on Corinne and
6 Michele and used unnecessary, inappropriate, and unlawful force to require that it be
7 followed.

8 97. There is a growing phenomenon of medical kidnapping. Medical kidnapping
9 is where a hospital or other person decides what is best for someone regardless of what
10 another doctor, the person herself, or a caretaker may want. (*See e.g.*, Arizona SB 1291)

11 98. An adult has the right to refuse medical treatment regardless of reason. A
12 person has the right to self-control and what happens to their own body, even if it is
13 detrimental. A person may give that right of determination to another person by way of a
14 medical power of attorney.

15 99. Defendant VVMC, without legal authority and for its own convenience and
16 benefit, excluded Corinne from Michele's care and medical decision making when VVMC
17 was unable and unwilling to provide the nutrition, hydration, and care that Corinne was
18 willing and able to provide so that her mother could eat and continue to live. VVMC failed
19 to provide the healthcare Michele desired and needed but instead provided the healthcare
20 that it desired to provide, even when it was not what Michele wanted or needed.

21 100. Once Michele was in the care of VVMC, Michele's health began a
22 precipitous decline that led to her death on September 15, 2024, which was less than four
23 weeks after SFD removed her from her home.

24 101. VVMC, APS, and SFD failed to properly train its employees to understand
25 and comply with the needs of caregivers and agents.

26 102. To avoid further lift assistance, employees of VVMC, aiders and abettors RL
27 & RB, and SFD aided and abetted the unlawful seizure and removal of Michele from her
28 home and unlawfully ejected Corinne from VVMC and from Michele's care.

1 103. Defendant SFD disregarded, and violated Corinne's and Michele's right to
2 due process, free speech (her right to state what health care she wished to have), and other
3 legal rights by removing Michele from her home and by fabricating and embellishing a
4 false narrative of abuse.

5 104. Defendant SFD furthered that narrative by participating in a scheme with
6 unnamed aiders and abettors RL and RB, and Defendant VVMC and others that violated
7 Corinne's and Michele's state and federal constitutional civil rights by preventing Michele
8 from exercising her right to determine her own health care and her right of self-
9 determination.

10 105. Defendant SFD created a special relationship under the public duty doctrine
11 when it removed Michele from her home, and SFD became responsible for her care. SFD,
12 in concert with unnamed aiders and abettors RL and RB, VVMC, and others caused
13 physical injury to Michele and her premature death.

14 106. But for VVMC's, unnamed aiders and abettors RL's and RB's, and SFD's
15 unlawful actions and omissions, Michele would not have suffered in an assisted living
16 facility without Corinne's aid and companionship in the final days of her life and would
17 have lived longer at home with a loving and positive quality of life.

18 107. Before Defendant SFD removed Michele Braun from her home, Corinne
19 Braun spent several hours every day helping Michele Braun eat and hydrate. Michele
20 Braun was not in a persistent vegetative state or in an irreversible coma. Michele Braun
21 was not in a terminal condition where she was unable to recognize people and speak. She
22 had a joyful life, in spite of disability.

23 108. Michele Braun's premature death was a direct result of Defendant SFD
24 unlawfully removing Michele Braun from her home contrary to the express direction of
25 Corinne Braun. Michele Braun did not receive the necessary care that Corinne had been
26 providing and would have continued to provide.

27 109. No healthcare facility was willing to provide the care that Corinne had been
28 providing. Michele Braun's health began to decline when she was taken by force from her

1 home by SFD which set in motion her premature death in violation of her rights and the
2 rights of Corinne.

3 110. Michele Braun was institutionalized against her will in VVMC from August
4 19, 2023, through August 24, 2023, by agents of the SFD; and, from August 25, 2023
5 through August 29, 2023, by unnamed aider and abettor EB.

6 111. At some point after her commitment at VVMC, significant doses of
7 morphine and Lorazepam were administered to Michele for the first time in her life.

8
9 VVMC, Aiders and Abettors RL & RB , and SFD Negligently Sought Unnamed Aider
10 and Abettor EB's Involvement

11 112. VVMC, aiders and abettors RL & RB, and SFD, without determining
12 whether unnamed aider and abettor EB would be a proper guardian, contacted EB and
13 provided, without legal authority, EB with confidential information for EB to assert
14 temporary guardianship of Michele.

15 113. Michele and Rene had disinherited EB and MB because they took actions
16 adverse to Michele's interests and desires. EB and MB refused to maintain a relationship
17 with her, which caused Michele an extraordinary amount of stress.

18 114. In January 2020, Corinne obtained an order of protection against EB in the
19 Sedona Municipal Court (case number M0346PO2020000155). In contrast, in 2021 EB
20 was denied a harassment prevention order against Corinne because "[EB] did not meet the
21 burden" in Hingham District Court in Hingham, Massachusetts (docket number
22 2158R0075).

23 115. On or about January 3, 2020, EB and MB surreptitiously had Rene Braun,
24 when Rene Braun was ill and in the hospital, remove Michele Braun as his healthcare agent
25 and had Rene Braun appoint EB and MB as his agent.

26 116. On January 15, 2020, Michele Braun named Corinne Braun as her sole
27 healthcare agent. Michele Braun was represented by her own attorney and acted of her own
28 free will and volition.

1 117. On or about January 28, 2020, Rene Braun reappointed Michele as his
2 primary healthcare agent.

3 118. On April 23, 2020, EB and MB filed a petition for Appointment of Guardian
4 and Conservator For Adults and For Appointment of Successor Trustee in the Superior
5 Court of Arizona, Yavapai County, case number 202080014, seeking to be named guardian
6 of Michele and Rene and seeking a private fiduciary to act as conservator and as trustee of
7 their revocable trust, even though they did not need or want a guardian.

8 119. EB and MB did not disclose in their petition to the court that Rene Braun had
9 signed a healthcare power of attorney in January 2020, nor did they disclose to the Court
10 that Corinne Braun was the sole healthcare agent of Michele.

11 120. Rene Braun died on April 24, 2020.

12 121. Michele (not Corinne), and with her own legal counsel, asked the Superior
13 Court of Yavapai County, Arizona, to confirm the validity of her estate planning
14 documents, including her HPOA. Michele filed a "Petition to Confirm Estate Plan",
15 Accordingly, the Court issued an order confirming the validity of the HPOA which Order
16 was entered on June 29, 2020, in Case Number V1300PB202080075.

17 122. Thereafter, EB and MB did not contact their mother and refused to provide
18 assistance to Michele unless they could control Michele's finances.

19 123. Only Corinne assisted her mother. Corinne was the sole caregiver for her
20 mother, providing all necessary assistance, while her brothers, by their own choice, did not
21 contribute to their mother's care and had not even contacted their mother since the summer
22 of 2020. They orchestrated the complete severance of all contact with her by their children,
23 in law and other relatives.

24 124. On August 24, 2023, at approximately 9:28 AM, unnamed aider and abettor
25 EB filed an Emergency Petition for Temporary Appointment of Guardian and Conservator
26 without notice provided or requested and a supporting affidavit.

27 125. The Petition filed by Unnamed Aider and Abettor EB with the Court
28 contained material and misleading false statements and material omission of fact.

1 126. On August 24, 2023, at approximately 11:17 AM, Judge Joseph P. Goldstein
2 approved the Order to Guardian and Conservator of an Adult without notice or hearing.

3 127. On information and belief, Judge Goldstein was neither presented with nor
4 made aware of the existence of the HPOA or the expired protective order from June 2020
5 against EB prior to issuing an Order of any kind. The Court did not know that Michele did
6 not want EB to make her medical decisions. The Court did not appoint an attorney to
7 represent Michele's interests.

8 128. On August 25, 2023, at 2:17 PM, Judge Michael McGill issued a Court Order
9 denying the Petition to Appoint Attorney, Examiner and Court Investigator as being
10 incomplete, but confirming the Order the Temporary Appointment of a Guardian that was
11 granted on August 24, 2023, pending a hearing in Division 3.

12 129. On August 29 and August 30, 2023, an appeal was made to unnamed aiders
13 and abettors RB and/or RL to return Michele from VVMC to Corinne's dedicated care
14 pursuant to Corinne's HPOA and was unreasonably denied. Contrary to the terms of the
15 HPOA and in violation of both Michele and Corinne's statutory and constitutional rights.

16 130. On August 29, 2023, Unnamed Aider and Abettor EB, moved Michele to the
17 Carefree Assisted Living Center at 22 S. 7th Street, Cottonwood, AZ 86326 where, on
18 information and belief, large amounts of morphine and Lorazepam were continued.

19 131. The hearing on temporary guardianship scheduled for October before
20 Division 3 in Yavapai County Superior Court was never conducted due to the intervening
21 death of Michele Braun.

22 132. In less than one month, Corinne's health cratered causing Corinne severe
23 mental anguish and emotional distress. Corinne had to watch her mother be seized and
24 removed from her home against her and her mother's wishes and against explicit directions
25 to SFD.

26 133. As a result of SFD's unlawful actions, Corinne has been depressed, has been
27 unable to sleep, and has experienced deep and significant mental anguish and distress.
28

Corinne Sought to Enforce Her Mother's Interests

1
2 134. On August 20, 2023, Corinne attempted to file a complaint with APS and the
3 Sedona Police Department for medical kidnapping. Police Sgt. Stevens declined to file the
4 report.

5 135. APS took the August 20th complaint as a "priority 2" but never followed up,
6 contrary to their guidelines, and closed the report on September 27, 2023 in violation of
7 their statutory and regulatory responsibilities.

8 136. On September 13, 2023, Corinne Braun filed an Emergency Motion to Allow
9 4 Hours Daily Emergency Visitation, Feeding & Care to Save Michele's Life with the
10 Court, which was denied.

11 137. Corinne was denied access to Michele in light of the fraudulently obtained
12 guardianship of Unnamed Aider and Abettor EB.

13 138. After August 19, 2023, Corinne requested all records of SFD, including
14 video and audio recordings related to the calls she placed and her mother's care. Contrary
15 to the Arizona Public Records Act, A.R.S. §39-121, *et seq.* ("PRA"), the SFD has refused
16 to provide Corinne all public records, including recordings, despite her repeated demands
17 and SFD has denied that the records exist.

18
19 Michele's Death

20 139. On information and belief and contrary to Corinne's pleading, Michele, who
21 needed encouragement to eat, was administered morphine, an appetite depressant, while in
22 the care of VVMC resulting in her weight dropping from 90 pounds to 70 pounds at her
23 death about four weeks later. This placed her life at an unreasonable risk.

24 140. As temporary guardian, EB moved Michele back to her home on September
25 13, 2023, to die at her home.

26 141. Michele passed away on September 15, 2023, with a body mass of less than
27 70 pounds.
28

1 conspirators and aiders and abettors, the call to Unnamed Aider and Abettor EB was a
2 pretext to utilize EB to remove Corinne from her HPOA without, first, obtaining a Court
3 Order authorizing Michele's lawful removal from her home in contravention of the
4 constitutional rights of the Plaintiffs.

5 150. Each defendant and unnamed defendants aided and abetted one another in
6 depriving Michele of her expressed desire to remain under the custody and care of Corinne
7 who, better than anyone, knew how to care for, protect and save her mother from a pre-
8 mature death.

9 151. "Liability for civil conspiracy requires that two or more individuals agree
10 and thereupon accomplish 'an underlying tort which the alleged conspirators agreed to
11 commit.'" *Wells Fargo* 201 Ariz. at 498, 38 P.3d at 36 (quoting *Baker*, 197 Ariz. at 545, 5
12 P.3d at 259).

13 152. "[A] conspirator is liable for any tortious act, even unknown, committed in
14 furtherance of the conspiracy, including acts not personally committed." *Baker*, 197 Ariz.
15 at 542, 5 P.3d at 256 (citations omitted).

16 153. Here, all of the defendants willfully and knowingly agreed to disregard
17 Corinne's express HPOA and the existing agreement between Corinne and Michele by
18 tortuously interfering with their HPOA agreement. This interference was carried out
19 through the unauthorized, nonprivileged and wrongful removal of Michele from Corinne's
20 custody, control and supervision facilitated in part by the fraudulent "EB Petition". This
21 action was motivated by the self-interest of the Defendants and their employers, resulting
22 in a violation of the constitutional rights of both Michele and Corinne.

23 154. EB admitted and confessed in his August 24, 2023, Petition for Temporary
24 Appointment of Guardian and Conservator that he was "...contacted by APS and VVMC
25 staff and asked to become guardian and conservator". Further documenting the scheme,
26 artifice, pretext and conspiracy employed by Defendants.

27 155. Whether the SFD or VVMC knew that EB intended to accomplish the
28 removal by defrauding the Court begs the question. What is clear is that the SFD, VVMC

1 and the unnamed aiders and abettors were fully aware that Corinne held a HPOA and had
2 an agreement with her mother. They knew that they could not legally proceed without first
3 devising a scheme to override the HPOA and accomplish their illicit plan, which ultimately
4 contributed to Michele's death.

5 156. As part of the scheme, the co-conspirators employed an additional overt act
6 by one or more members of the SFD verbally threatening Corinne, stating that they and the
7 SFD could and would remove Michele involuntarily at some point. These threats and acts
8 of intimidation directed at Corinne, at a minimum, confirmed the fact that had there been
9 a good-faith basis in fact to remove Michele, they should have promptly sought the
10 assistance of the County Attorney and had that Office file appropriate papers to do so. The
11 Conspirators did not take this step because they knew, each of them, there was no basis to
12 do so. At a minimum, had such a Motion been filed with the Court, the Court would have
13 been in the best position to protect the rights of Michele, Corinne and the public, including
14 the SFD. That is precisely the role of the Courts in the State of Arizona, which regularly
15 safeguard the rights of children, adults and the infirm.

16 157. Unnamed aiders and abettors RL and RB were aware that there was no abuse
17 occurring at the Braun home. Despite this, they improperly discussed with members of the
18 SFD how to justifiably remove Michele and stop the service provision and what scenario
19 needed to be concocted to achieve this outcome.

20 158. VVMC was fully aware that Michele had a HPOA. However, they proceeded
21 to collude with EB, the SFD and/or aiders and abettors RL & RB to violate the HPOA,
22 block Corinne's care and access to her mother, administer dangerous amounts of morphine,
23 and terminate Michele's life pre-maturely.

24 **FIRST CAUSE OF ACTION**

25 *(Intentional Infliction of Emotional Distress By Corinne*

26 *(All Defendants)*

27 159. Plaintiff incorporates by reference each and every proceeding allegation.

28 160. EB had been at odds with his mother and Corinne for many years to the point

1 of litigation in or about 2020. Neither EB nor his brother had any role in Michele's care
2 and upkeep, nor were there any meaningful attempts to visit or spend time with their
3 mother. Furthermore, Michele Braun disinherited both EB and his brother, leaving her
4 entire estate to Corinne Braun.

5 161. Corinne took extraordinary care of her mother in her home. This included,
6 but was not limited to, retention of and use of home health care staff, Corinne's full-time
7 attention including many hours assisting her mother eating and the use of regular lift assists
8 from the SFD when home health care assistance was unavailable.

9 162. As Michele aged, feeding and hydration became a full-time, concerted effort,
10 which Corinne dutifully attended to. Michele was as comfortable as possible in her own
11 home. She was also safest from diseases commonly found in public places and health care
12 facilities. Further, Michele routinely required extra time and some coaxing to eat. Corinne
13 was patient with her mother ensuring proper nutrition unlike VVMC, where staff shortages
14 made proper nutrition impractical to meet Michele's needs. In fact, Corinne often spent
15 three to four hours helping her mother eat, the kind of patience, care and attention that
16 would never be possible or practically expected by any facility outside her home.

17 163. SFD did not want to continue to provide lift assists for Michele.

18 164. SFD conspired with aiders and abettors RL & RB to create a pretense so SFD
19 could claim Corinne was abusing her mother so SFD could stop providing lift assists.

20 165. On August 19, SFD read the HPOA and knew the contents of the HPOA.

21 166. To further their goal to stop lift assists, and for their own benefit and not for
22 the actual benefit of Michele Braun, SFD removed Michele Braun from her home without
23 legal authority. It had no truthful factual basis to do and had no Court Order to accomplish
24 the same.

25 167. Michele had just been seen at VVMC and was released about twelve hours
26 before SFD removed her from the home. SFD is not licensed to provide medical advice.
27 SFD substituted its judgment for that of Corinne and made unlicensed medical decisions
28 for Michele Braun in violation of the rights of Corinne and her mother.

1 168. When, the SFD and the police forcibly removed Michele to institutional care
2 by VVMC on August 19, Corinne was horrified at the manner of removal as well as the
3 justified concern that the limited and occasional, often callous, institutional "care" endemic
4 at many hospitals and the concomitant adverse impact it would foreseeably have on
5 Michele's fragile condition. Michele's delicate condition required, as set forth above,
6 significant time and care helping her mother eat. It was foreseeable that such a harsh change
7 in circumstances and the limitations of health care facilities and staff, would undermine
8 Michele's comfort, physical safety and well-being thereby hastening her demise.

9 169. With the fraudulent granting of EB's Petition and the denial of Corinne's
10 Healthcare Power of Attorney on behalf of her mother, Corinne's legal authority was
11 knowingly, willfully, recklessly, maliciously, pretextually and unlawfully disregarded
12 contributing to her premature death.

13 170. With a judicial hearing on custody over a month away, the fraudulently
14 obtained Order allowed EB to abuse the rights of Michele and Corinne avoiding giving the
15 Court the right and authority to make factual findings, conclusions and to fashion relief
16 that would protect Michele, respect the authority of Corinne, and find a solution for the
17 dilemma the SFD was concerned about with respect to the numerous lift requests made.
18 Without an informed Court, as a result of the aforementioned facts, EB further authorized
19 VVMC to curtail Michele's sustenance and, on information and belief, introduce additional
20 amounts of opiates into her system, actions that were undertaken contrary to Michele's
21 care and safety causing Corinne extreme distress and depression over the fate of her
22 mother.

23 171. Corinne was excluded from being at her mother's side and was unable to
24 offer comfort during this traumatic experience.

25 172. While restricted from her daughter and kept in the hospital, Michele Braun's
26 condition deteriorated. Michele was also socially isolated from her family and friends.

27 173. The unfounded accusations against Corinne of abuse led to acute stress and
28 grief reactions experienced by Corinne including anxiety, depression, fear, grief, sleep

1 disturbances, loss of enjoyment in her life in caring for her mother, and possible post-
2 traumatic stress disorder, all a result of the extreme and outrageous acts and omissions of
3 Defendants and the unnamed co-conspirator in this Cause of Action by Corinne.

4 174. EB, SFD, VVMC and APS had positive knowledge of, and actually read
5 Corinne's HPOA yet blatantly disregarded her explicit authority. EB and the other
6 Defendants did so knowing that no request had been made to the County Attorney for
7 guidance and assistance through a Court hearing, nor was there a request for judicial
8 authority to act contrary to the rights, including constitutional rights, of the Plaintiffs. Had
9 there been a good faith belief that Michele was indeed at risk, the lawful and proper means
10 to act would have been to immediately report to the Court through the County Attorney,
11 seeking the intercession of the Court through an emergency hearing to make preliminary
12 findings of fact and law and render an appropriate order. However, because the allegations
13 made by Defendants were pretextual in nature, each of them on information and belief
14 knew the actions taken by them would never have been approved by a Court. Consequently,
15 with the pretext created, the Defendants proceeded without authority, violating the rights
16 of Plaintiffs and compromising Michele's health and safety.

17 175. Further, due to an intimate and hostile family history, EB knew that his
18 untruthful and vindictive action and the grossly improper "care" of their mother would
19 result in Corinne suffering extreme and severe emotional distress, depression and trauma
20 to her health because Corinne was unable to protect her mother.

21 **SECOND CAUSE OF ACTION**

22 *(AIDING AND ABETTING TORTIOUS CONDUCT)*

23 *(All Defendants)*

24 176. Plaintiff incorporates by reference all preceding allegations.

25 177. To establish a claim for aiding and abetting tortious conduct, proof of three
26 elements is necessary: "(1) the primary tortfeasor must commit a tort that causes injury to
27 the plaintiff; (2) the defendant must know that the primary tortfeasor's conduct constitutes
28 a breach of duty; and (3) the defendant must substantially assist or encourage the primary

1 tortfeasor in the achievement of the breach.” *Wells Fargo*, 201 Ariz. at 485, 38 P.2d at 23
2 (citing *Gomez v. Hensley*, 145 Ariz. 176, 178, 700 P.2d 874, 876 (Ct. App. 1984)).

3 178. “Substantial assistance” by a secondary tortfeasor, as required to establish
4 liability as an aider and abettor, means more than “a little aid.” *Id.* at 488, 38 P.3d at 26. In
5 determining whether the defendant’s assistance in aiding and abetting a tort was
6 “substantial,” the test is whether the assistance made it “easier” for the violation to occur,
7 not whether the assistance was necessary. *Id.* at 489, 38 P.3d at 27(quotations omitted).

8 179. “[A]n aiding and abetting claim is not barred simply because a person
9 worked for the alleged primary tortfeasor and was acting within the scope of her
10 employment.” *Inman v. Wesco Ins. Co.*, 2013 WL 2635603, *4, 2013 U.S. Dist. LEXIS
11 82558, 10 (D. Ariz. June 12, 2013) (citing *Smith*, 2013 U.S. Dist. LEXIS 86499; *Morrow*,
12 2007 WL 3287585, 2007 U.S. Dist. LEXIS 82157); *see Miller v. York Risk Servs. Grp.*,
13 2013 WL 6442764, *5, 2013 U.S. Dist. LEXIS 173354, 14–16 (D. Ariz. Dec. 9, 2013)
14 (rejecting argument that agent cannot, as a matter of Arizona law, aid and abet their
15 principal’s tortious conduct when acting on behalf of the principal).

16 180. Thus, an officer of a corporation may be held liable for aiding and abetting
17 her corporate employer in the commission of a tortious act. This claim may be proper when
18 no proof of an actual conspiracy agreement between the conspirators exists, but one party
19 substantially assisted the other in the performance of the tort. Moreover, unlike a claim for
20 civil conspiracy, a claim for aiding and abetting will not be barred simply because an
21 officer was acting within the scope of her corporate employment. (*Neilson v. Union Bank*
22 *of Cal., N.A.*, 290 F. Supp 2d 1011 (Cent Dist. Cal. 2003))

23 181. Here, all of the named Defendants and, unnamed by the estate, EB, knew that
24 Corinne was her mother’s healthcare HPOA. EB defrauded the Superior Court to obtain
25 an apparent guardianship without disclosing the HPOA.

26 182. Furthermore, each of the co-conspirators, aiding and abetting one another,
27 knew Corinne held an extensive HPOA for medical care which agreement between mother
28 and daughter had been approved by the Court years earlier. Each knew or should have

1 known, that the SFD had a duty to come to the assistance of a private citizen in need of
2 care, absent a court order to the contrary which was not sought or obtained before
3 Plaintiff's right were violated; to wit: removing Michele against her wishes and the wishes
4 of Corinne violated each of their rights.

5 183. In furtherance of the conspiracy, the co-conspirators, and unnamed co-
6 conspirator, each aiding and abetting one another, sought after the fact to obtain another
7 family member to serve as a temporary guardian and caregiver to cause the high frequency
8 of lift assist requests to come to an end. Rather than seek judicial relief from the Court,
9 through a declaratory judgment and/or injunction against Corinne; that is, to hire a full-
10 time caregiver capable of assisting in lifts and other needs for Michele, the Defendants and
11 unnamed co-conspirator individual acted without authority of the Court and utilized a
12 pretextual means to remove Michele from the home. Had the Defendants and unnamed co-
13 conspirator individual first brought their concerns to the Court, the Court would have been
14 able to fashion relief for Corinne, Michele, and the Defendants and the unnamed co-
15 conspirator individual to solve the problem. By not first going to the Court and seeking
16 Judicial relief, Defendants and the unnamed co-conspirator, EB, violated the rights of
17 Plaintiff and the decedent, sadly contributing to her early death.

18 184. The Defendants and the SFD Defendants knew or should have known that
19 they could not override Corinne's HPOA legally and that they needed to concoct a story
20 that Corinne was abusing her mother.

21 185. VVMC knew about and read the HPOA but acquiesced and cooperated with
22 EB, SFD, and aiders and abettors RL & RB to prevent Corinne from seeing and aiding her
23 mother according to Michele's wishes.

24 186. After receiving the Court's order of August 25, 2023, EB had apparent legal
25 Custodianship of Michele through fraud of the Court.

26 187. EB moved his mother from VVMC to Carefree Assisted Living in
27 Cottonwood on August 29, 2023.

28 188. On September 13, 2023, EB moved Michele back to her home at 365

1 Panorama in Sedona, AZ.

2 189. As Michele's apparent Conservator, EB had a duty of care to safeguard
3 Michele's health and well-being until her natural demise.

4 190. The Toxicology Report accompanying Michele's autopsy indicated that
5 Michele has 435 ng/ml of morphine in her system. That is four times the normal or safe
6 level less than 100 ng/ml.

7 191. Morphine has a half-life of 1.4 - 4.5 hours in the body.

8 192. At some point after the removal from Carefree Assisted Living on September
9 13, 2023, someone may have administered as much as four times the normal dose of
10 morphine to Michele.

11 193. Michele passed away due to a morphine overdose at 2:30 AM on September
12 15, 2023.

13 194. By allowing the maladministration of morphine to his mother, by act of
14 omission EB breached his duty of care bestowed upon him by the Superior Court.

15 195. The premature death of Michele was the direct cause of Corinne's severe
16 emotional distress, which has manifested itself physically and mentally in Corinne.

17 196. EB knew, as did each of the Defendants, that Corinne and her mother were
18 close, and that Michele's death would cause her distress.

19 **THIRD CAUSE OF ACTION**

20 **(DEPRIVATION OF RIGHTS)**

21 *(All Defendants)*

22 197. Plaintiff incorporates by reference all preceding allegations.

23 198. The SFD regularly provided daily lift services to Michele Braun in her home.

24 199. Requesting lift services is a legal request from the public.

25 200. The SFD was annoyed at providing legal services to the Brauns.

26 201. Ariz. Admin. Code R9-10-1008(B)(3) *et cet.* provides that a [healthcare]
27 administrator shall ensure that except in an emergency a patient or the patient's
28 representative may refuse or withdraw consent for treatment before treatment is initiated.

1, 6 (2013).

210. After series of routine “lift assistance calls,” the SFD and the Sedona Police Department (the “City Responders”) entered the home of Corinne and Michele Braun in response to lift assistance call on August 19, 2023.

211. The city response was not an emergency response to render emergency assistance.

212. The city response was not a response to protect Michele Braun from imminent injury.

213. The city response was not in response to the report of a crime at the home.

214. The city response was routine lift assistance, having been performed multiple times per day over nine months.

215. The City Responders did not have a warrant.

216. The City Responders knew that Corinne had a valid healthcare HPOA concerning the health care of Michele.

217. The City Responders seized Michele and removed her to VVMC in contravention to Corinne’s wishes and instructions.

218. No private citizen would have seized and remove Michele from her home.

219. The City Responders were not executing a “community caretaking function” such as responding to disabled vehicles on the highways or investigating accidents (*Cady v. Dombrowski*, 413, U.S. 433 (1973) (cited by *Caniglia v. Strom et al.*, 593 U.S. 194 (2021)(city violated Caniglia’s rights when they removed Caniglia and his firearms after a wellness check as the removal from his abode was unreasonable).

220. The seizure and removal of Michele was a blatant violation of Corinne’s and/or Michele’s Fourth Amendment rights (*Caniglia*) as incorporated into the States by the Fourteenth Amendment.

FIFTH CAUSE OF ACTION

(Violation of Corine’s Free Speech Rights)

(All Defendants)

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- C. For punitive damages in an amount sufficient to deter Defendants and those like them from undertaking acts similar to those described above in the future.
- D. For such other legal and equitable relief as may be just and proper including but not limited to Order that the State of Arizona or any subdivision thereunder, make any negative statement about Corinne in any public record or retaliate against her for seeking to enforce her rights and those of her late mother; that is, of her estate.
- E. Plaintiff seeks damages for Intentional Infliction of Emotion Distress and other torts which at this time are expected to exceed \$300,000.
- F. To the extent retaliation occurs in violation of Corinne’s Constitutional and First and Fourth Amendment Rights, that the Court grant leave to bring a SLAPP SUIT against the Attorney General, her Assistant Attorney General’s and for damages and sanctions.

DATED this 16th day of August 2024.

By: /s/ James C. Sabalos

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Attorneys for Plaintiff

VERIFICATION

I declare under penalty of perjury that the foregoing Verified Complaint is true and correct to the best of my knowledge and understanding, except for those matters alleged "upon information and belief," which I reasonably believe to be true.

Date: 08/16/2024

Corinne Braun
Corinne Braun (Aug 16, 2024 17:32 PDT)

Corinne Braun in her individual capacity

Corinne Braun
Corinne Braun (Aug 16, 2024 17:32 PDT)

Corinne Braun, as special administrator on behalf of the Estate of Michele A. Braun

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