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Leo Easley, N.P., Jason Chamberlain, R.N., and Matthew Woods, M.H.P.*

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

The Estate of Mary Faith Casey A/K/A Mary
Hutchinson, by and through its Co-Personal
Representatives, Karina Kepler and Calin
Casey; Karin Kepler, an individual; and Carlin
Casey, an individual,

Plaintiffs,

v.

NaphCare, Inc., an Alabama corporation; Pima
County, Arizona; The Hon. Chris Nanos, in his
official capacity as Pima County Sheriff; Jason
Chamberlain, R.N., in his individual capacity;
Leo Easley, N.P., in his individual capacity;
Mikell Karsten, M.D., in his individual
capacity; John Samaan, M.D., in his individual
capacity; and Matthew Woods, M.H.P., in his
individual capacity,

Defendants.

NO. 4:24-cv-00220-RM-PSOT

**DEFENDANTS' ANSWER TO
PLAINTIFFS' COMPLAINT FOR
DAMAGES AND
DECLARATORY RELIEF**

AND

DEMAND FOR JURY TRIAL

1 Defendants NaphCare, Inc. (“NaphCare”), Mikell Karsten, M.D., Leo Easley, N.P.,
2 Jason Chamberlain, R.N., and Matthew Woods, M.H.P. (collectively, the “NaphCare
3 Defendants”) by and through undersigned counsel, hereby answer Plaintiffs’ Complaint as
4 follows:
5

6 **I. PRELIMINARY STATEMENT**

7 1. Answering Paragraph 1, admitted that Mary Faith Casey (“Decedent”) was
8 in the custody of Pima County Jail located in Tucson, Arizona prior to her death. To the
9 extent this paragraph purports to allege a viable cause of action against the NaphCare
10 Defendants, they deny the same.
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12 2. Answering Paragraph 2, any allegations asserted against the NaphCare
13 Defendants are denied. The NaphCare Defendants are otherwise without knowledge to
14 form an opinion as to the truthfulness of the allegations contained within this paragraph
15 that are not asserted against the NaphCare Defendants, and therefore deny the same.
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18 3. Answering Paragraph 3, any allegations asserted against the NaphCare
19 Defendants are denied. The NaphCare Defendants are otherwise without knowledge to
20 form an opinion as to the truthfulness of the allegations contained within this paragraph
21 that are not asserted against the NaphCare Defendants, and therefore deny the same.
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23 4. Answering Paragraph 4, admitted that from September 15, 2021 to the
24 present, NaphCare was/is the current contracted healthcare services provider for the Pima
25 County Adult Detention Complex in Pima County (the “Pima County Jail”). The NaphCare
26 Defendants deny Plaintiffs’ characterizations of the care received by Decedent and the
27 allegations asserted against them within this paragraph. The NaphCare Defendants are
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1 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
2 contained within this paragraph that are not asserted against the NaphCare Defendants, and
3 therefore deny the same.
4

5 II. SUMMARY

6 5. Answering Paragraph 5, the first two sentences of this paragraph are not
7 allegations asserted against the NaphCare Defendants and, thus, no response is required.
8 The remaining allegations contained within this paragraph appear to be, at least in part, an
9 attempt to paraphrase jail and/or medical records. To the extent these allegations
10 mischaracterize the records, they are denied. Any allegations asserted against the NaphCare
11 Defendants are denied. The NaphCare Defendants are otherwise without knowledge to
12 form an opinion as to the truthfulness of the allegations contained within this paragraph
13 that are not asserted against the NaphCare Defendants, and therefore deny the same.
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15 6. Answering Paragraph 6, admitted, upon information and belief, that
16 Decedent was arrested and booked into the Pima County Jail on or around April 30, 2022.
17 Further, the allegations contained within this paragraph appear to be, at least in part, an
18 attempt to paraphrase jail and/or medical records. To the extent these allegations
19 mischaracterize the records, they are denied. The NaphCare Defendants are otherwise
20 without knowledge to form an opinion as to the truthfulness of the allegations contained
21 within this paragraph that are not asserted against the NaphCare Defendants, and therefore
22 deny the same. To the extent Plaintiffs contend that the allegations contained within this
23 paragraph purport to allege a viable cause of action against the NaphCare Defendants, they
24 deny the same.
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1 7. Answering Paragraph 7, the allegations contained within this paragraph
2 appear to be, at least in part, an attempt to paraphrase jail and/or medical records. To the
3 extent these allegations mischaracterize the records, they are denied. The remaining
4 allegations asserted against the NaphCare Defendants are denied. The NaphCare
5 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
6 the allegations contained within this paragraph that are not asserted against the NaphCare
7 Defendants, and therefore deny the same.
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10 8. Answering Paragraph 8, the allegations contained within this paragraph
11 appear to be, at least in part, an attempt to paraphrase jail and/or medical records. To the
12 extent these allegations mischaracterize the records, they are denied. The remaining
13 allegations asserted against the NaphCare Defendants are denied. The NaphCare
14 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
15 the allegations contained within this paragraph that are not asserted against the NaphCare
16 Defendants, and therefore deny the same.
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19 9. Answering Paragraph 9, the allegations contained within this paragraph
20 appear to be, at least in part, an attempt to paraphrase jail and/or medical records. To the
21 extent these allegations mischaracterize the records, they are denied. The NaphCare
22 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
23 the allegations contained within this paragraph that are not asserted against the NaphCare
24 Defendants, and therefore deny the same. To the extent Plaintiffs contend that the
25 allegations contained within this paragraph purport to allege a viable cause of action against
26 the NaphCare Defendants, they deny the same.
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1 10. Answering Paragraph 10, the allegations contained within this paragraph
2 appear to be, at least in part, an attempt to paraphrase jail and/or medical records. To the
3 extent these allegations mischaracterize the records, they are denied. Any allegations
4 asserted against the NaphCare Defendants are denied. The NaphCare Defendants are
5 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
6 contained within this paragraph that are not asserted against the NaphCare Defendants, and
7 therefore deny the same.
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10 11. Answering Paragraph 11, the allegations contained within this paragraph
11 appear to be an attempt to paraphrase jail and/or medical records. To the extent these
12 allegations mischaracterize the records, they are denied. The NaphCare Defendants are
13 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
14 contained within this paragraph, and therefore deny the same.
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16 12. Answering Paragraph 12, the allegations contained within this paragraph
17 appear to be an attempt to paraphrase jail and/or medical records. To the extent these
18 allegations mischaracterize the records, they are denied. The NaphCare Defendants are
19 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
20 contained within this paragraph, and therefore deny the same. To the extent Plaintiffs
21 contend that the allegations contained within this paragraph purport to allege a viable cause
22 of action against the NaphCare Defendants, they deny the same.
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25 13. Answering Paragraph 13, the allegations contained in this paragraph appear
26 to be an attempt to paraphrase medical records. To the extent these allegations
27 mischaracterize the records, they are denied. Denied that Dr. Samaan was “a NaphCare
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1 provider.” The NaphCare Defendants are otherwise without knowledge to form an opinion
2 as to the truthfulness of the allegations contained within this paragraph that are not asserted
3 against the NaphCare Defendants, and therefore deny the same. To the extent Plaintiffs
4 contend that the allegations contained within this paragraph purport to allege a viable cause
5 of action against the NaphCare Defendants, they deny the same.
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7 14. Answering Paragraph 14, the NaphCare Defendants are without knowledge
8 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
9 and therefore deny the same.
10

11 15. Answering Paragraph 15, the allegations contained in this paragraph appear
12 to be, at least in part, an attempt to paraphrase jail, court, and/or medical records. To the
13 extent these allegations mischaracterize the records, they are denied. The NaphCare
14 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
15 the allegations contained within this paragraph, and therefore deny the same. To the extent
16 Plaintiffs contend that the allegations contained within this paragraph purport to allege a
17 viable cause of action against the NaphCare Defendants, they deny the same.
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19 16. Answering Paragraph 16, the allegations contained in this paragraph appear
20 to be, at least in part, an attempt to paraphrase medical records. To the extent these
21 allegations mischaracterize the records, they are denied. The NaphCare Defendants are
22 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
23 contained within this paragraph, and therefore deny the same. To the extent Plaintiffs
24 contend that the allegations contained within this paragraph purport to allege a viable cause
25 of action against the NaphCare Defendants, they deny the same.
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17. Answering Paragraph 17, admitted only that from September 15, 2021 to the present NaphCare is the current contracted healthcare services provider for the Pima County Jail. The NaphCare Defendants otherwise deny Plaintiffs' characterizations of the care received by Decedent and, to the extent Plaintiffs contend that the allegations contained within this paragraph purport to allege a viable cause of action against the NaphCare Defendants, they deny the same.

III. JURISDICTION AND VENUE

18. Answering Paragraph 18, based solely upon the unproven allegations of Plaintiffs' Complaint, admitted.

19. Answering Paragraph 19, based solely upon the unproven allegations of Plaintiffs' Complaint, admitted.

IV. PARTIES

20. Answering Paragraph 20, the allegations asserted against the NaphCare Defendants are denied. The NaphCare Defendants are otherwise without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph that are not asserted against the NaphCare Defendants, and therefore deny the same.

21. Answering Paragraph 21, the NaphCare Defendants are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

22. Answering Paragraph 22, the NaphCare Defendants are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

1 23. Answering Paragraph 23, admitted that from September 15, 2021 to the
2 present NaphCare was/is the current contracted healthcare services provider for the Pima
3 County Jail. Admitted that NaphCare is headquartered in Alabama and, at the time frame
4 at issue, was doing business in Arizona as a provider of healthcare. Admitted that
5 NaphCare was properly served through its registered agent. Further responding, the
6 allegations contained in this paragraph appear to be, at least in part, an attempt to
7 paraphrase the contractual agreements between Pima County and NaphCare, which speak
8 for themselves. To the extent the allegations mischaracterize these agreements, they are
9 denied. Denied that NaphCare is a state actor for the purposes of 42 U.S.C. § 1983.

12 24. Answering Paragraph 24, these allegations do not pertain to the NaphCare
13 Defendants, they are otherwise without knowledge to form an opinion as to the truthfulness
14 of the allegations contained within this paragraph, and therefore deny the same.

16 25. Answering Paragraph 25, these allegations do not pertain to the NaphCare
17 Defendants, they are otherwise without knowledge to form an opinion as to the truthfulness
18 of the allegations contained within this paragraph, and therefore deny the same.

20 26. Answering Paragraph 26, admitted that Jason Chamberlain, R.N. was a
21 registered nurse employed by NaphCare, is a licensed healthcare provider under Arizona
22 law, and saw Decedent as a patient. Denied that RN Chamberlain was “acting under color
23 of law.” Plaintiffs’ legal conclusions do not require a response. To the extent a response is
24 required, denied.

26 27. Answering Paragraph 27, admitted that Leo Easley, N.P. was a nurse
27 practitioner employed by NaphCare, is a licensed healthcare provider under Arizona law,
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1 and saw Decedent as a patient. Denied that NP Easley was “acting under color of law.”
2 Plaintiffs’ legal conclusions do not require a response. To the extent a response is required,
3 denied.

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5 28. Answering Paragraph 28, admitted that Mikell Karsten, M.D. was a medical
6 doctor employed by NaphCare, is a licensed healthcare provider under Arizona law, and
7 saw Decedent as a patient. Denied that Dr. Karsten was “acting under color of law.”
8 Plaintiffs’ legal conclusions do not require a response. To the extent a response is required,
9 denied.

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11 29. Answering Paragraph 29, denied that Dr. Samaan was employed by
12 NaphCare. The NaphCare Defendants otherwise state that these allegations do not pertain
13 to the NaphCare Defendants, they are without knowledge to form an opinion as to the
14 truthfulness of the allegations contained within this paragraph, and therefore deny the
15 same.

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18 30. Answering Paragraph 30, admitted that Matthew Woods, MHP was a mental
19 health professional employed by NaphCare, is a licensed healthcare provider under
20 Arizona law, and saw Decedent as a patient. Denied that MHP Woods was “acting under
21 color of law.” Plaintiffs’ legal conclusions do not require a response. To the extent a
22 response is required, denied.

23 24 V. FACTS

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26 31. Answering Paragraph 31, the NaphCare Defendants are without knowledge
27 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
28 and therefore deny the same.

1 32. Answering Paragraph 32, the NaphCare Defendants are without knowledge
2 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
3 and therefore deny the same.

4 33. Answering Paragraph 33, the NaphCare Defendants are without knowledge
5 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
6 and therefore deny the same.

7 34. Answering Paragraph 34, the NaphCare Defendants are without knowledge
8 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
9 and therefore deny the same.

10 35. Answering Paragraph 35, the NaphCare Defendants are without knowledge
11 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
12 and therefore deny the same.

13 36. Answering Paragraph 36, the NaphCare Defendants are without knowledge
14 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
15 and therefore deny the same.

16 37. Answering Paragraph 37, the NaphCare Defendants are without knowledge
17 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
18 and therefore deny the same.

19 38. Answering Paragraph 38, the NaphCare Defendants are without knowledge
20 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
21 and therefore deny the same.

1 39. Answering Paragraph 39, admitted, upon information and belief, that
2 Decedent was incarcerated in the Pima County Jail more than once, including, upon
3 information and belief, in November 2020. The NaphCare Defendants are otherwise
4 without knowledge to form an opinion as to the truthfulness of the allegations contained
5 within this paragraph, and therefore deny the same.
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7 40. Answering Paragraph 40, the implicit allegations against the NaphCare
8 Defendants are denied. The NaphCare Defendants are otherwise without knowledge to
9 form an opinion as to the truthfulness of the allegations contained within this paragraph
10 not asserted against the NaphCare Defendants, and therefore deny the same.
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12 41. Answering Paragraph 41, the allegations contained in this paragraph appear
13 to be, at least in part, an attempt to paraphrase court or other records. To the extent these
14 allegations mischaracterize those records, they are denied. The NaphCare Defendants are
15 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
16 contained within this paragraph, and therefore deny the same.
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19 42. Answering Paragraph 42, the allegations contained in this paragraph appear
20 to be, at least in part, an attempt to paraphrase jail, medical, or other records. To the extent
21 these allegations mischaracterize those records, they are denied. The NaphCare Defendants
22 are otherwise without knowledge to form an opinion as to the truthfulness of the allegations
23 contained within this paragraph, and therefore deny the same.
24

25 43. Answering Paragraph 43, the NaphCare Defendants are without knowledge
26 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
27 and therefore deny the same.
28

1 44. Answering Paragraph 44, the NaphCare Defendants are without knowledge
2 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
3 and therefore deny the same.
4

5 45. Answering Paragraph 45, admitted that, upon information and belief,
6 Decedent was incarcerated at the Pima County Jail following her arrest on April 30, 2022.
7 Denied that Decedent was “exclusively and completely dependent on NaphCare and its
8 staff.” The NaphCare Defendants are otherwise without knowledge to form an opinion as
9 to the truthfulness of the allegations contained within this paragraph, and therefore deny
10 the same. To the extent that Plaintiffs contend that the allegations contained within this
11 paragraph purport to allege a viable cause of action against the NaphCare Defendants, they
12 deny the same.
13
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15 46. Answering Paragraph 46, the allegations contained in this paragraph appear
16 to be an attempt to paraphrase medical records. To the extent these allegations
17 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
18 allegations contained within this paragraph purport to allege a viable cause of action against
19 the NaphCare Defendants, they deny the same.
20

21 47. Answering Paragraph 47, the allegations contained in this paragraph appear
22 to be an attempt to paraphrase medical records. To the extent these allegations
23 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
24 allegations contained within this paragraph purport to allege a viable cause of action against
25 the NaphCare Defendants, they deny the same.
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1 48. Answering Paragraph 48, the NaphCare Defendants deny all allegations
2 regarding negligence, deliberate indifference, and liability. Further, the allegations
3 contained in this paragraph appear to be, at least in part, an attempt to paraphrase medical
4 records. To the extent these allegations mischaracterize those records, they are denied. To
5 the extent that Plaintiffs contend that the allegations contained within this paragraph
6 purport to allege a viable cause of action against the NaphCare Defendants, they deny the
7 same.
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10 49. Answering Paragraph 49, the allegations contained in this paragraph appear
11 to be, at least in part, an attempt to paraphrase medical records as well as NCCHC
12 standards. To the extent these allegations mischaracterize those medical records or
13 NCCHC standards, they are denied. The NaphCare Defendants otherwise deny Plaintiffs'
14 characterizations of the care received by Decedent, characterizations of the screening
15 forms, and the allegations contained within this paragraph.
16

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18 50. Answering Paragraph 50, the allegations contained in this paragraph appear
19 to be, at least in part, an attempt to paraphrase medical records. To the extent these
20 allegations mischaracterize those records, they are denied. The NaphCare Defendants
21 otherwise deny the allegations contained within this paragraph.
22

23 51. Answering Paragraph 51, upon information and belief, admitted that
24 Decedent was incarcerated in the Pima County Jail more than once, including in 2021. The
25 NaphCare Defendants otherwise deny the allegations contained within this paragraph.
26

27 52. Answering Paragraph 52, the allegations contained in this paragraph appear
28 to be, at least in part, an attempt to paraphrase medical records. To the extent these

1 allegations mischaracterize those records, they are denied. Denied that the NaphCare
2 Defendants deprived Decedent of any psychiatric medications. To the extent that Plaintiffs
3 contend that the allegations contained within this paragraph purport to allege a viable cause
4 of action against the NaphCare Defendants, they deny the same.
5

6 53. Answering Paragraph 53, the allegations contained in this paragraph appear
7 to be an attempt to paraphrase jail or medical records. To the extent these allegations
8 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
9 allegations contained within this paragraph purport to allege a viable cause of action against
10 the NaphCare Defendants, they deny the same.
11

12 54. Answering Paragraph 54, the allegations contained in this paragraph appear
13 to be an attempt to paraphrase court records. To the extent these allegations mischaracterize
14 those records, they are denied. To the extent that Plaintiffs contend that the allegations
15 contained within this paragraph purport to allege a viable cause of action against the
16 NaphCare Defendants, they deny the same.
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19 55. Answering Paragraph 55, the NaphCare Defendants deny Plaintiffs'
20 characterizations of the care received by Decedent and all allegations regarding negligence,
21 deliberate indifference, and liability. Further, the allegations contained in this paragraph
22 appear to be an attempt to paraphrase court records. To the extent these allegations
23 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
24 allegations contained within this paragraph purport to allege a viable cause of action against
25 the NaphCare Defendants, they deny the same.
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1 56. Answering Paragraph 56, the NaphCare Defendants deny Plaintiffs'
2 characterizations of the care received by Decedent and all allegations regarding negligence,
3 deliberate indifference, and liability. Further, the allegations contained in this paragraph
4 appear to be, at least in part, an attempt to paraphrase medical records as well as the
5 contractual agreement(s) between Pima County and NaphCare. To the extent these
6 allegations mischaracterize those records, they are denied. To the extent that Plaintiffs
7 contend that the allegations contained within this paragraph purport to allege a viable cause
8 of action against the NaphCare Defendants, they deny the same.
9

11 57. Answering Paragraph 57, the NaphCare Defendants deny Plaintiffs'
12 characterizations of the care received by Decedent and all allegations regarding negligence,
13 deliberate indifference, and liability. Further, the allegations contained in this paragraph
14 appear to be an attempt to paraphrase medical records. To the extent these allegations
15 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
16 allegations contained within this paragraph purport to allege a viable cause of action against
17 the NaphCare Defendants, they deny the same.
18

20 58. Answering Paragraph 58, the NaphCare Defendants deny Plaintiffs'
21 characterizations of the care received by Decedent and all allegations regarding negligence,
22 deliberate indifference, and liability. Further, the allegations contained in this paragraph
23 appear to be, at least in part, an attempt to paraphrase medical records. To the extent these
24 allegations mischaracterize those records, they are denied. To the extent that Plaintiffs
25 contend that the allegations contained within this paragraph purport to allege a viable cause
26 of action against the NaphCare Defendants, they deny the same.
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1 59. Answering Paragraph 59, the allegations contained in this paragraph appear
2 to be, at least in part, an attempt to paraphrase medical records. To the extent these
3 allegations mischaracterize those records, they are denied. To the extent that Plaintiffs
4 contend that the allegations contained within this paragraph purport to allege a viable cause
5 of action against the NaphCare Defendants, they deny the same.
6

7 60. Answering Paragraph 60, the NaphCare Defendants deny Plaintiffs'
8 characterizations of the care received by Decedent and all allegations regarding negligence,
9 deliberate indifference, and liability. Further, the allegations contained in this paragraph
10 appear to be, at least in part, an attempt to paraphrase medical records. To the extent these
11 allegations mischaracterize those records, they are denied. To the extent that Plaintiffs
12 contend that the allegations contained within this paragraph purport to allege a viable cause
13 of action against the NaphCare Defendants, they deny the same.
14

15 61. Answering Paragraph 61, the NaphCare Defendants deny Plaintiffs'
16 characterizations of the care received by Decedent and all allegations regarding negligence,
17 deliberate indifference, and liability. Further, the allegations contained in this paragraph
18 appear to be, at least in part, an attempt to paraphrase medical records. To the extent these
19 allegations mischaracterize those records, they are denied. To the extent that Plaintiffs
20 contend that the allegations contained within this paragraph purport to allege a viable cause
21 of action against the NaphCare Defendants, they deny the same.
22

23 62. Answering Paragraph 62, the allegations contained in this paragraph appear
24 to be an attempt to paraphrase jail records. To the extent these allegations mischaracterize
25 those records, they are denied. To the extent that Plaintiffs contend that the allegations
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1 contained within this paragraph purport to allege a viable cause of action against the
2 NaphCare Defendants, they deny the same.

3 63. Answering Paragraph 63, the NaphCare Defendants deny Plaintiffs'
4 characterizations of the care received by Decedent and all allegations regarding negligence,
5 deliberate indifference, and liability. Further, the allegations contained in this paragraph
6 appear to be, at least in part, an attempt to paraphrase jail records. To the extent these
7 allegations mischaracterize those records, they are denied. The NaphCare Defendants are
8 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
9 contained within this paragraph, and therefore deny the same. To the extent that Plaintiffs
10 contend that the allegations contained within this paragraph purport to allege a viable cause
11 of action against the NaphCare Defendants, they deny the same.

12 64. Answering Paragraph 64, the NaphCare Defendants deny Plaintiffs'
13 characterizations of the care received by Decedent and all allegations regarding negligence,
14 deliberate indifference, and liability. Further, the allegations contained in this paragraph
15 appear to be an attempt to paraphrase medical records. To the extent these allegations
16 mischaracterize those records, they are denied. The NaphCare Defendants are otherwise
17 without knowledge to form an opinion as to the truthfulness of the allegations contained
18 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
19 that the allegations contained within this paragraph purport to allege a viable cause of
20 action against the NaphCare Defendants, they deny the same.

21 65. Answering Paragraph 65, the NaphCare Defendants deny Plaintiffs'
22 characterizations of the care received by Decedent and all allegations regarding negligence,
23

1 deliberate indifference, and liability. Further, the allegations contained in this paragraph
2 appear to be, at least in part, an attempt to paraphrase jail and medical records. To the extent
3 these allegations mischaracterize those records, they are denied. The NaphCare Defendants
4 are otherwise without knowledge to form an opinion as to the truthfulness of the allegations
5 contained within this paragraph, and therefore deny the same. To the extent that Plaintiffs
6 contend that the allegations contained within this paragraph purport to allege a viable cause
7 of action against the NaphCare Defendants, they deny the same.
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10 66. Answering Paragraph 66, the NaphCare Defendants deny Plaintiffs'
11 characterizations of the care received by Decedent as well as all allegations regarding
12 negligence, deliberate indifference, and liability. Further, the allegations contained in this
13 paragraph appear to be, at least in part, an attempt to paraphrase medical records. To the
14 extent these allegations mischaracterize those records, they are denied. To the extent that
15 Plaintiffs contend that the allegations contained within this paragraph purport to allege a
16 viable cause of action against the NaphCare Defendants, they deny the same.
17
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19 67. Answering Paragraph 67, the NaphCare Defendants deny Plaintiffs'
20 characterizations of the care received by Decedent as well as all allegations regarding
21 negligence, deliberate indifference, and liability. Further, the allegations contained in this
22 paragraph appear to be, at least in part, an attempt to paraphrase medical records. To the
23 extent these allegations mischaracterize those records, they are denied. To the extent that
24 Plaintiffs contend that the allegations contained within this paragraph purport to allege a
25 viable cause of action against the NaphCare Defendants, they deny the same.
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1 68. Answering Paragraph 68, the NaphCare Defendants deny Plaintiffs'
2 characterizations of the care received by Decedent as well as all allegations regarding
3 negligence, deliberate indifference, and liability. Further, the allegations contained in this
4 paragraph appear to be, at least in part, an attempt to paraphrase medical records. To the
5 extent these allegations mischaracterize those records, they are denied. To the extent that
6 Plaintiffs contend that the allegations contained within this paragraph purport to allege a
7 viable cause of action against the NaphCare Defendants, they deny the same.
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10 69. Answering Paragraph 69, the allegations contained in this paragraph appear
11 to be, at least in part, an attempt to paraphrase jail and/or medical records. To the extent
12 these allegations mischaracterize those records, they are denied. The NaphCare Defendants
13 otherwise deny Plaintiff's characterizations regarding the care provided to the Decedent
14 and, to the extent that Plaintiffs contend that the allegations contained within this paragraph
15 purport to allege a viable cause of action against the NaphCare Defendants, they deny the
16 same.
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19 70. Answering Paragraph 70, the allegations contained in this paragraph appear
20 to be, at least in part, an attempt to paraphrase medical records. To the extent these
21 allegations mischaracterize those records, they are denied. The NaphCare Defendants
22 otherwise deny the allegations contained within this paragraph. To the extent that Plaintiffs
23 contend that the allegations contained within this paragraph purport to allege a viable cause
24 of action against the NaphCare Defendants, they deny the same.
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27 71. Answering Paragraph 71, the allegations contained in this paragraph appear
28 to be, at least in part, an attempt to paraphrase medical records. To the extent these

1 allegations mischaracterize those records, they are denied. The NaphCare Defendants
2 otherwise deny the allegations contained within this paragraph. To the extent that Plaintiffs
3 contend that the allegations contained within this paragraph purport to allege a viable cause
4 of action against the NaphCare Defendants, they deny the same.
5

6 72. Answering Paragraph 72, the allegations contained in this paragraph appear
7 to be, at least in part, an attempt to paraphrase jail and medical records. To the extent these
8 allegations mischaracterize those records, they are denied. The NaphCare Defendants
9 otherwise deny the allegations against them contained within this paragraph and are
10 without knowledge to form an opinion as to the truthfulness of the allegations contained
11 within this paragraph that are not asserted against the NaphCare Defendants, and therefore
12 deny the same. To the extent that Plaintiffs contend that the allegations contained within
13 this paragraph purport to allege a viable cause of action against the NaphCare Defendants,
14 they deny the same.
15
16
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18 73. Answering Paragraph 73, the NaphCare Defendants deny all allegations
19 regarding negligence, deliberate indifference, and liability. Further, the allegations
20 contained in this paragraph appear to be, at least in part, an attempt to paraphrase medical
21 records. To the extent these allegations mischaracterize those records, they are denied. To
22 the extent that Plaintiffs contend that the allegations contained within this paragraph
23 purport to allege a viable cause of action against the NaphCare Defendants, they deny the
24 same.
25
26

27 74. Answering Paragraph 74, this paragraph contains conclusory statements that
28 do not require a response. To the extent a response is required, denied. Additionally, the

1 allegations contained in this paragraph appear to be, at least in part, an attempt to
2 paraphrase medical records. To the extent the allegations mischaracterize the records, they
3 are denied. To the extent that Plaintiffs contend that the allegations contained within this
4 paragraph purport to allege a viable cause of action against the NaphCare Defendants, they
5 deny the same.
6

7 75. Answering Paragraph 75, the allegations contained in this paragraph appear
8 to be, at least in part, an attempt to paraphrase court records. To the extent these allegations
9 mischaracterize those records, they are denied. The NaphCare Defendants otherwise are
10 without knowledge to form an opinion as to the truthfulness of the allegations contained
11 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
12 that the allegations contained within this paragraph purport to allege a viable cause of
13 action against the NaphCare Defendants, they deny the same.
14
15

16 76. Answering Paragraph 76, the NaphCare Defendants are without knowledge
17 to form an opinion as to the truthfulness of whether Decedent was capable of conferring
18 with her criminal attorney, and therefore deny the same. The remaining allegations within
19 this paragraph are denied.
20
21

22 77. Answering Paragraph 77, the NaphCare Defendants are without knowledge
23 to form an opinion as to the truthfulness of whether Decedent was capable of being
24 transported to court, and therefore deny the same. The remaining allegations within this
25 paragraph are denied.
26

27 78. Answering Paragraph 78, the allegations contained in this paragraph appear
28 to be, at least in part, an attempt to paraphrase court records. To the extent these allegations

1 mischaracterize those records, they are denied. To the extent these allegations are directed
2 at the NaphCare Defendants, they are denied. The NaphCare Defendants otherwise are
3 without knowledge to form an opinion as to the truthfulness of the allegations contained
4 within this paragraph, and therefore deny the same.
5

6 79. Answering Paragraph 79, the NaphCare Defendants are without knowledge
7 to form an opinion as to the truthfulness of whether Decedent was capable of
8 communicating through mail or other means, and therefore deny the same. The remaining
9 allegations within this paragraph are denied.
10

11 80. Answering Paragraph 80, the allegations contained in this paragraph appear
12 to be, at least in part, an attempt to paraphrase court records. To the extent these allegations
13 mischaracterize those records, they are denied. The NaphCare Defendants are otherwise
14 without knowledge to form an opinion as to the truthfulness of whether Decedent was
15 found mentally incompetent but restorable. The remaining allegations within this
16 paragraph are denied.
17
18

19 81. Answering Paragraph 81, admitted that NaphCare providers referred
20 Decedent to two different hospitals on three separate occasions out of concern for her
21 medical condition, beginning, upon information and belief, on August 4, 2022. The
22 NaphCare Defendants otherwise deny Plaintiffs' characterizations of the care received by
23 Decedent and any remaining allegations contained within this paragraph.
24

25 82. Answering Paragraph 82, the allegations contained in this paragraph appear
26 to be, at least in part, an attempt to paraphrase jail or medical records. To the extent these
27 allegations mischaracterize those records, they are denied. The NaphCare Defendants are
28

1 otherwise without knowledge to form an opinion as to the truthfulness of the allegations
2 contained within this paragraph, and therefore deny the same.

3 83. Answering Paragraph 83, the NaphCare Defendants deny all allegations
4 regarding negligence, deliberate indifference, and liability. Further, the allegations
5 contained in this paragraph appear to be, at least in part, an attempt to paraphrase jail and/or
6 medical records. To the extent these allegations mischaracterize those records, they are
7 denied. The NaphCare Defendants are otherwise without knowledge to form an opinion as
8 to the truthfulness of the allegations contained within this paragraph, and therefore deny
9 the same. To the extent that Plaintiffs contend that the allegations contained within this
10 paragraph purport to allege a viable cause of action against the NaphCare Defendants, they
11 deny the same.

12 84. Answering Paragraph 84, admitted that Decedent was transferred to the
13 hospital emergency room following concerns regarding her medical condition. Further, the
14 allegations contained in this paragraph appear to be, at least in part, an attempt to
15 paraphrase medical records. To the extent these allegations mischaracterize those records,
16 they are denied. To the extent that Plaintiffs contend that the allegations contained within
17 this paragraph purport to allege a viable cause of action against the NaphCare Defendants,
18 they deny the same.

19 85. Answering Paragraph 85, the allegations contained in this paragraph appear
20 to be an attempt to paraphrase medical records. To the extent these allegations
21 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
22

1 allegations contained within this paragraph purport to allege a viable cause of action against
2 the NaphCare Defendants, they deny the same.

3 86. Answering Paragraph 86, the allegations contained in this paragraph appear
4 to be an attempt to paraphrase medical records. To the extent these allegations
5 mischaracterize those records, they are denied. To the extent that Plaintiffs contend that the
6 allegations contained within this paragraph purport to allege a viable cause of action against
7 the NaphCare Defendants, they deny the same.
8

9
10 87. Answering Paragraph 87, the NaphCare Defendants deny Plaintiffs'
11 characterizations of the care received by Decedent and all allegations regarding negligence,
12 deliberate indifference, and liability. Further, the allegations contained in this paragraph
13 appear to be an attempt to paraphrase medical records and speculate upon third-party
14 medical providers' decision-making. To the extent these allegations mischaracterize those
15 records, they are denied. To the extent these allegations misrepresent the third-party
16 medical providers' decision-making, and bases for the same, they are denied. To the extent
17 that Plaintiffs contend that the allegations contained within this paragraph purport to allege
18 a viable cause of action against the NaphCare Defendants, they deny the same.
19

20
21 88. Answering Paragraph 88, the allegations contained in this paragraph appear
22 to be an attempt to paraphrase medical records. To the extent the allegations
23 mischaracterize the records, they are denied. The NaphCare Defendants are otherwise
24 without knowledge to form an opinion as to the truthfulness of the allegations contained
25 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
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1 that the allegations contained within this paragraph purport to allege a viable cause of
2 action against NaphCare, NaphCare denies the same.

3 89. Answering Paragraph 89, the allegations contained in this paragraph appear
4 to be an attempt to paraphrase medical records. To the extent the allegations
5 mischaracterize the records, they are denied. The NaphCare Defendants are otherwise
6 without knowledge to form an opinion as to the truthfulness of the allegations contained
7 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
8 that the allegations contained within this paragraph purport to allege a viable cause of
9 action against NaphCare, NaphCare denies the same.

10 90. Answering Paragraph 90, admitted that Decedent was again transferred to St.
11 Mary's hospital on August 8, 2022. The NaphCare Defendants deny Plaintiffs'
12 characterizations of the care received by Decedent and all allegations regarding negligence,
13 deliberate indifference, and liability. Further, the allegations contained in this paragraph
14 appear to be an attempt to paraphrase medical records and speculate upon third-party
15 medical providers' decision-making. To the extent these allegations mischaracterize those
16 records, they are denied. To the extent these allegations misrepresent the third-party
17 medical providers' decision-making, and bases for the same, they are denied. The
18 NaphCare Defendants are otherwise without knowledge to form an opinion as to the
19 truthfulness of the allegations contained within this paragraph, and therefore deny the
20 same. To the extent that Plaintiffs contend that the allegations contained within this
21 paragraph purport to allege a viable cause of action against the NaphCare Defendants, they
22 deny the same.

1 91. Answering Paragraph 91, the allegations contained in this paragraph appear
2 to be an attempt to paraphrase medical records. To the extent the allegations
3 mischaracterize the records, they are denied. The NaphCare Defendants are otherwise
4 without knowledge to form an opinion as to the truthfulness of the allegations contained
5 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
6 that the allegations contained within this paragraph purport to allege a viable cause of
7 action against the NaphCare Defendants, they deny the same.
8
9

10 92. Answering Paragraph 92, the allegations contained in this paragraph appear
11 to be an attempt to paraphrase medical records. To the extent the allegations
12 mischaracterize the records, they are denied. Admitted, upon information and belief, that
13 Dr. Samaan recommended psychiatric medications for Decedent. Any remaining
14 allegations asserted against the NaphCare Defendants are denied.
15

16 93. Answering Paragraph 93, the allegations contained in this paragraph appear
17 to be an attempt to paraphrase medical records. To the extent the allegations
18 mischaracterize the records, they are denied. Admitted, upon information and belief, that
19 Dr. Samaan recommended psychiatric medications for Decedent. Denied that Dr. Samaan
20 was a NaphCare provider. Any remaining allegations asserted against the NaphCare
21 Defendants are denied.
22
23

24 94. Answering Paragraph 94, the allegations contained in this paragraph appear
25 to be an attempt to paraphrase medical records. To the extent the allegations
26 mischaracterize the records, they are denied. The NaphCare Defendants are otherwise
27 without knowledge to form an opinion as to the truthfulness of the allegations contained
28

1 within this paragraph, and therefore deny the same. Any remaining allegations asserted
2 against the NaphCare Defendants are denied.

3 95. Answering Paragraph 95, the NaphCare Defendants state that these
4 allegations do not pertain to the NaphCare Defendants. To the extent a response is required,
5 the allegations contained in this paragraph appear to be an attempt to paraphrase medical
6 records. To the extent the allegations mischaracterize the records, they are denied. To the
7 extent the allegations within this paragraph are directed at the NaphCare Defendants, they
8 are denied.
9

10 96. Answering Paragraph 96, the allegations contained in this paragraph appear
11 to be an attempt to paraphrase medical records. To the extent the allegations
12 mischaracterize the records, they are denied. Otherwise, admitted that Decedent reported
13 to MHP Woods that she believed her food was poisoned, and MHP Woods was concerned
14 about her.
15

16 97. Answering Paragraph 97, the allegations contained in this paragraph appear
17 to be an attempt to paraphrase jail records. To the extent the allegations mischaracterize
18 the records, they are denied. The NaphCare Defendants are otherwise without knowledge
19 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
20 and therefore deny the same. Any remaining allegations asserted against the NaphCare
21 Defendants are denied.
22

23 98. Answering Paragraph 98, admitted that Decedent was transferred to St.
24 Mary's hospital again, her third hospitalization, for additional work up and evaluation
25 following concerns from NaphCare providers regarding her medical condition. Otherwise,
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1 the allegations contained in this paragraph appear to be an attempt to paraphrase medical
2 records and, to the extent the allegations mischaracterize those records, they are denied.
3 The NaphCare Defendants are otherwise without knowledge to form an opinion as to the
4 truthfulness of the allegations contained within this paragraph, and therefore deny the
5 same.
6

7 99. Answering Paragraph 99, the allegations contained in this paragraph appear
8 to be an attempt to paraphrase medical records and speculate upon third-party medical
9 providers' decision-making. To the extent these allegations mischaracterize those records,
10 they are denied. To the extent these allegations misrepresent the third-party medical
11 providers' decision-making, and bases for the same, they are denied. The NaphCare
12 Defendants otherwise deny Plaintiffs' characterizations of the care received by Decedent
13 and all allegations against them regarding negligence, deliberate indifference, and liability.
14 The NaphCare Defendants are otherwise without knowledge to form an opinion as to the
15 truthfulness of the allegations contained within this paragraph not asserted against them,
16 and therefore deny the same. To the extent that Plaintiffs contend that the allegations
17 contained within this paragraph purport to allege a viable cause of action against the
18 NaphCare Defendants, they deny the same.
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23 100. Answering Paragraph 100, the allegations contained in this paragraph appear
24 to be an attempt to paraphrase court records. To the extent these allegations mischaracterize
25 those records, they are denied. The NaphCare Defendants are otherwise without knowledge
26 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
27 and therefore deny the same. To the extent that Plaintiffs contend that the allegations
28

1 contained within this paragraph purport to allege a viable cause of action against the
2 NaphCare Defendants, they deny the same.

3 101. Answering Paragraph 101, the allegations contained in this paragraph appear
4 to be an attempt to paraphrase medical records. To the extent these allegations
5 mischaracterize those records, they are denied. The NaphCare Defendants are otherwise
6 without knowledge to form an opinion as to the truthfulness of the allegations contained
7 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
8 that the allegations contained within this paragraph purport to allege a viable cause of
9 action against the NaphCare Defendants, they deny the same.

10 102. Answering Paragraph 102, the allegations contained in this paragraph appear
11 to be an attempt to paraphrase medical records. To the extent these allegations
12 mischaracterize those records, they are denied. The NaphCare Defendants are otherwise
13 without knowledge to form an opinion as to the truthfulness of the allegations contained
14 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
15 that the allegations contained within this paragraph purport to allege a viable cause of
16 action against the NaphCare Defendants, they deny the same.

17 103. Answering Paragraph 103, the allegations contained in this paragraph appear
18 to be an attempt to paraphrase medical records. To the extent these allegations
19 mischaracterize those records, they are denied. The NaphCare Defendants are otherwise
20 without knowledge to form an opinion as to the truthfulness of the allegations contained
21 within this paragraph, and therefore deny the same. To the extent that Plaintiffs contend
22

1 that the allegations contained within this paragraph purport to allege a viable cause of
2 action against the NaphCare Defendants, they deny the same.

3 104. Answering Paragraph 104, the allegations contained in this paragraph appear
4 to be an attempt to paraphrase court records. To the extent these allegations mischaracterize
5 those records, they are denied. The NaphCare Defendants are otherwise without knowledge
6 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
7 and therefore deny the same. To the extent that Plaintiffs contend that the allegations
8 contained within this paragraph purport to allege a viable cause of action against the
9 NaphCare Defendants, they deny the same.

10 105. Answering Paragraph 105, the allegations contained in this paragraph appear
11 to be an attempt to paraphrase court records. To the extent these allegations mischaracterize
12 those records, they are denied. The NaphCare Defendants deny Plaintiffs' characterizations
13 of the care received by Decedent and all allegations against them regarding negligence,
14 deliberate indifference, and liability. The NaphCare Defendants are otherwise without
15 knowledge to form an opinion as to the truthfulness of the allegations contained within this
16 paragraph not asserted against them, and therefore deny the same.

17 106. Answering Paragraph 106, the NaphCare Defendants are without knowledge
18 to form an opinion as to the truthfulness of the allegations regarding communication
19 attempts with Decedent, and therefore deny the same. Any remaining allegations directed
20 at the NaphCare Defendants are denied.

21 107. Answering Paragraph 107, the allegations contained in this paragraph appear
22 to be, at least in part, an attempt to paraphrase court, jail, and/or medical records. To the
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1 extent these allegations mischaracterize those records, they are denied. The NaphCare
2 Defendants otherwise deny Plaintiffs' characterizations of the care received by Decedent
3 and any remaining allegations against them contained within this paragraph.
4

5 108. Answering Paragraph 108, admitted, upon information and belief, that
6 Decedent was released from Pima County Jail and again received medical care and
7 treatment from Banner Hospital on August 18, 2022. Further, the allegations contained in
8 this paragraph appear to be, at least in part, an attempt to paraphrase medical records. To
9 the extent these allegations mischaracterize those records, they are denied. This paragraph
10 also contains conclusory statements which do not require a response. To the extent a
11 response is required, denied. The NaphCare Defendants are otherwise without knowledge
12 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
13 and therefore deny the same.
14

15 109. Answering Paragraph 109, the NaphCare Defendants are without knowledge
16 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
17 and therefore deny the same.
18

19 110. Answering Paragraph 110, the allegations contained in this paragraph appear
20 to be an attempt to paraphrase medical records and/or speculate upon third-party medical
21 providers' decision-making. To the extent these allegations mischaracterize those records,
22 they are denied. To the extent these allegations misrepresent the third-party medical
23 providers' decision-making, and bases for the same, they are denied. The NaphCare
24 Defendants deny Plaintiffs' characterizations of the care received by Decedent and all
25 allegations against them regarding negligence, deliberate indifference, and liability. The
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1 NaphCare Defendants are otherwise without knowledge to form an opinion as to the
2 truthfulness of the allegations contained within this paragraph, and therefore deny the
3 same.

4
5 111. Answering Paragraph 111, the NaphCare Defendants deny Plaintiffs'
6 characterizations of the care received by Decedent, but otherwise are without knowledge
7 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
8 and therefore deny the same.

9
10 112. Answering Paragraph 112, the allegations contained in this paragraph appear
11 to be an attempt to paraphrase medical records and/or speculate upon third-party medical
12 providers' decision-making. To the extent these allegations mischaracterize those records,
13 they are denied. To the extent these allegations misrepresent the third-party medical
14 providers' decision-making, and bases for the same, they are denied. The NaphCare
15 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
16 the allegations contained within this paragraph, and therefore deny the same.

17
18
19 113. Answering Paragraph 113, the allegations contained in this paragraph appear
20 to be an attempt to paraphrase medical records and/or speculate upon third-party medical
21 providers' decision-making. To the extent these allegations mischaracterize those records,
22 they are denied. To the extent these allegations misrepresent the third-party medical
23 providers' decision-making, and bases for the same, they are denied. The NaphCare
24 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
25 the allegations contained within this paragraph, and therefore deny the same.
26
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1 114. Answering Paragraph 114, the allegations contained in this paragraph appear
2 to be an attempt to paraphrase medical records and/or speculate upon third-party medical
3 providers' decision-making. To the extent these allegations mischaracterize those records,
4 they are denied. To the extent these allegations misrepresent the third-party medical
5 providers' decision-making, and bases for the same, they are denied. The NaphCare
6 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
7 the allegations contained within this paragraph, and therefore deny the same.
8
9

10 115. Answering Paragraph 115, the allegations contained in this paragraph appear
11 to be an attempt to paraphrase medical records and/or speculate upon third-party medical
12 providers' decision-making. To the extent these allegations mischaracterize those records,
13 they are denied. To the extent these allegations misrepresent the third-party medical
14 providers' decision-making, and bases for the same, they are denied. The NaphCare
15 Defendants are otherwise without knowledge to form an opinion as to the truthfulness of
16 the allegations contained within this paragraph, and therefore deny the same.
17
18

19 116. Answering Paragraph 116, the NaphCare Defendants are without knowledge
20 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
21 and therefore deny the same.
22

23 117. Answering Paragraph 117, the NaphCare Defendants are without knowledge
24 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
25 and therefore deny the same.
26

27 118. Answering Paragraph 118, the NaphCare Defendants deny any allegations
28 asserted against them within this paragraph. The NaphCare Defendants are otherwise

1 without knowledge to form an opinion as to the truthfulness of the allegations contained
2 within this paragraph, and therefore deny the same.

3 119. Answering Paragraph 119, the NaphCare Defendants deny any allegations
4 asserted against them within this paragraph. The NaphCare Defendants are otherwise
5 without knowledge to form an opinion as to the truthfulness of the allegations contained
6 within this paragraph, and therefore deny the same.
7

8 120. Answering Paragraph 120, the NaphCare Defendants deny Plaintiffs are
9 entitled to recover against them. The NaphCare Defendants are otherwise without
10 knowledge to form an opinion as to the truthfulness of the allegations contained within this
11 paragraph, and therefore deny the same.
12

13 121. Answering Paragraph 121, the NaphCare Defendants are without knowledge
14 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
15 and therefore deny the same.
16

17 122. Answering Paragraph 122, the NaphCare Defendants are without knowledge
18 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
19 and therefore deny the same.
20

21 123. Answering Paragraph 123, the NaphCare Defendants are without knowledge
22 to form an opinion as to the truthfulness of the allegations contained within this paragraph,
23 and therefore deny the same.
24

25 **VI. ALLEGATIONS REGARDING SYSTEMS, POLICIES,**
26 **PRACTICES, AND CUSTOMS**

27 124. Answering Paragraph 124, denied.
28

1 125. Answering Paragraph 125, denied.

2 126. Answering Paragraph 126, admitted that from September 15, 2021 to the
3 present NaphCare was/is the current contracted healthcare services provider for the Pima
4 County Jail. Further, the allegations contained in this paragraph appear to be, at least in
5 part, an attempt to paraphrase the contractual agreements between Pima County and
6 NaphCare, which speak for themselves. To the extent the allegations mischaracterize these
7 agreements, they are denied.
8
9

10 127. Answering Paragraph 127, NaphCare admits that it was initially selected by
11 Pima County for a one-year term, until a formal procurement process became available,
12 following the County's termination of its contract with the prior vendor. At the expiration
13 of that initial one-year term, the request for proposal process was implemented and
14 NaphCare was selected through the bidding process. NaphCare denies the characterizations
15 and remaining allegations contained within this paragraph. To the extent that Plaintiffs
16 contend that the allegations contained within this paragraph purport to allege a viable cause
17 of action against the NaphCare Defendants, they deny the same.
18
19

20 128. Answering Paragraph 128, the allegations contained in this paragraph appear
21 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
22 County and NaphCare, which speak for themselves. To the extent the allegations
23 mischaracterize these agreements, they are denied. The remaining allegations are denied.
24
25

26 129. Answering Paragraph 129, the allegations contained in this paragraph appear
27 to be, at least in part, an attempt to paraphrase a "memo," which speaks for itself. To the
28 extent the allegations mischaracterize this memo, they are denied. NaphCare denies the

1 allegations against it. To the extent that Plaintiffs contend that the allegations contained
2 within this paragraph purport to allege a viable cause of action against the NaphCare
3 Defendants, they deny the same.
4

5 130. Answering Paragraph 130, the allegations contained in this paragraph appear
6 to be, at least in part, an attempt to paraphrase a “memo,” which speaks for itself. To the
7 extent the allegations mischaracterize this memo, they are denied. NaphCare denies the
8 allegations against it. To the extent that Plaintiffs contend that the allegations contained
9 within this paragraph purport to allege a viable cause of action against the NaphCare
10 Defendants, they deny the same.
11

12 131. Answering Paragraph 131, admitted that NaphCare utilized additional
13 providers via telehealth services to support onsite staff. Denied that the NaphCare providers
14 available onsite were not “adequate” or “qualified.” Any remaining allegations are denied.
15

16 132. Answering Paragraph 132, denied.
17

18 133. Answering Paragraph 133, denied.
19

20 134. Answering Paragraph 134, the allegations contained in this paragraph appear
21 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
22 County and NaphCare, which speak for themselves. To the extent the allegations
23 mischaracterize these agreements, they are denied. The NaphCare Defendants deny the
24 remaining allegations contained therein.
25

26 135. Answering Paragraph 135, the allegations contained in this paragraph appear
27 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
28 County and NaphCare, which speak for themselves. To the extent the allegations

1 mischaracterize these agreements, they are denied. The NaphCare Defendants deny the
2 remaining allegations contained therein.

3 136. Answering Paragraph 136, admitted that some healthcare providers are
4 scheduled on 12-hour shifts. The NaphCare Defendants deny the remaining allegations
5 contained therein.
6

7 137. Answering Paragraph 137, admitted that NaphCare utilized additional
8 providers via telehealth services to support onsite staff. Denied that the NaphCare
9 providers available on-site were not “adequate” or “qualified.” Any remaining allegations
10 are denied.
11

12 138. Answering Paragraph 138, the allegations contained in this paragraph appear
13 to be an attempt to paraphrase county audits, which speak for themselves. To the extent the
14 allegations mischaracterize these audits, or the results thereof, they are denied. Any
15 remaining allegations are denied.
16

17 139. Answering Paragraph 139, denied.
18

19 140. Answering Paragraph 140, the allegations contained in this paragraph appear
20 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
21 County and NaphCare, as well as the NCCHC standards, which speak for themselves. To
22 the extent the allegations mischaracterize these agreements and/or the NCCHC standards,
23 they are denied. The NaphCare Defendants deny the remaining allegations contained
24 therein.
25

26 141. Answering Paragraph 141, the allegations contained within this paragraph
27 appear to be an attempt to paraphrase the NCCHC standards. To the extent the allegations
28

1 contained within this paragraph mischaracterize the NCCHC standards, they are denied.
2 The NaphCare Defendants otherwise deny the allegations contained therein.

3 142. Answering Paragraph 142, denied.
4

5 143. Answering Paragraph 143, NaphCare denies the characterizations and
6 allegations contained within this paragraph. To the extent that Plaintiffs contend that the
7 allegations contained within this paragraph purport to allege a viable cause of action against
8 the NaphCare Defendants, they deny the same.
9

10 144. Answering Paragraph 144, denied.

11 145. Answering Paragraph 145, denied.

12 146. Answering Paragraph 146, denied.
13

14 147. Answering Paragraph 147, denied that Dr. Samaan was a NaphCare provider.
15 Further, the allegations contained in this paragraph appear to be, at least in part, an attempt
16 to paraphrase the contractual agreements between Pima County and NaphCare, which
17 speak for themselves. To the extent the allegations mischaracterize these agreements, they
18 are denied. The NaphCare Defendants deny the remaining allegations contained therein.
19

20 148. Answering Paragraph 148, the allegations contained within this paragraph
21 appear to be an attempt to paraphrase the NCCHC standards. To the extent the allegations
22 contained within this paragraph mischaracterize the NCCHC standards, they are denied..
23 The NaphCare Defendants otherwise deny the allegations contained therein.
24

25 149. Answering Paragraph 149, the allegations contained in this paragraph appear
26 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
27 County and NaphCare, which speak for themselves. To the extent the allegations
28

1 mischaracterize these agreements, they are denied. The NaphCare Defendants deny the
2 remaining allegations contained therein.

3 150. Answering Paragraph 150, the allegations contained in this paragraph appear
4 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
5 County and NaphCare, which speak for themselves. To the extent the allegations
6 mischaracterize these agreements, they are denied. The NaphCare Defendants deny the
7 remaining allegations contained therein.
8

9
10 151. Answering Paragraph 151, the allegations contained in this paragraph appear
11 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
12 County and NaphCare, which speak for themselves. To the extent the allegations
13 mischaracterize these agreements, they are denied. The NaphCare Defendants deny the
14 remaining allegations contained therein.
15

16 152. Answering Paragraph 152, the allegations contained in this paragraph appear
17 to be, at least in part, an attempt to paraphrase the contractual agreements between Pima
18 County and NaphCare, which speak for themselves. To the extent the allegations
19 mischaracterize these agreements, they are denied. The NaphCare Defendants otherwise
20 deny Plaintiffs' characterizations and remaining allegations contained therein as detailed
21 in paragraphs 125-151.
22

23
24 153. Answering Paragraph 153, NaphCare admits that contractual adjustments
25 were made, but otherwise deny the characterizations and allegations contained within this
26 paragraph. To the extent that Plaintiffs contend that the allegations contained within this
27
28

1 paragraph purport to allege a viable cause of action against the NaphCare Defendants, they
2 deny the same.

3 154. Answering Paragraph 154, the NaphCare Defendants are without knowledge
4 to form an opinion as to the truthfulness of the allegations contained within this paragraph
5 regarding the stated data and statistics, and therefore deny the same. The remaining
6 allegations are denied.
7

8 155. Answering Paragraph 155, denied with respect to the allegations against the
9 NaphCare Defendants. The NaphCare Defendants are otherwise without knowledge to
10 form an opinion as to the truthfulness of the allegations contained within this paragraph,
11 and therefore deny the same.
12

13 156. Answering Paragraph 156, the NaphCare Defendants state that these
14 allegations do not pertain to the NaphCare Defendants, they are otherwise without
15 knowledge to form an opinion as to the truthfulness of the allegations contained within this
16 paragraph, and therefore deny the same.
17

18 157. Answering Paragraph 157, denied.
19

20 158. Answering Paragraph 158, denied that the NaphCare Defendants' conduct
21 was "illegal and unconstitutional." Otherwise, these allegations do not pertain to the
22 NaphCare Defendants, and they are otherwise without knowledge to form an opinion as to
23 the truthfulness of the allegations contained within this paragraph, and therefore deny the
24 same.
25

26 159. Answering Paragraph 159, the NaphCare Defendants state that these
27 allegations do not pertain to the NaphCare Defendants, they are otherwise without
28

1 knowledge to form an opinion as to the truthfulness of the allegations contained within this
2 paragraph, and therefore deny the same.

3 160. Answering Paragraph 160, the NaphCare Defendants state that these
4 allegations do not pertain to the NaphCare Defendants, they are otherwise without
5 knowledge to form an opinion as to the truthfulness of the allegations contained within this
6 paragraph, and therefore deny the same.

7
8 161. Answering Paragraph 161, the NaphCare Defendants state that these
9 allegations do not pertain to the NaphCare Defendants, they are otherwise without
10 knowledge to form an opinion as to the truthfulness of the allegations contained within this
11 paragraph, and therefore deny the same.

12 **VII. PUNITIVE DAMAGES**

13
14 162. Answering Paragraph 162, denied.

15
16 163. Answering Paragraph 163, denied as to the allegations against the NaphCare
17 Defendants. Otherwise, these allegations do not pertain to the NaphCare Defendants, they
18 are without knowledge to form an opinion as to the truthfulness of the allegations contained
19 within this paragraph, and therefore deny the same.

20 **VIII. CERTIFICATION REGARDING EXPERT OPINION FOR MEDICAL 21 MALPRACTICE CLAIM**

22
23 164. Answering Paragraph 164, this paragraph does not require a response.
24 However, the NaphCare Defendants also certify that Plaintiffs must satisfy the statutory
25 requirements of A.R.S. §§ 12-2603, 12-2604.
26
27
28

IX. CLAIMS FOR RELIEF

COUNT I

(42 U.S.C. § 1983 – NaphCare)

165. Answering Paragraph 165, admitted that from September 15, 2021 to the present NaphCare was/is the current contracted healthcare services provider for the Pima County Jail. The remaining allegations are denied.

166. Answering Paragraph 166, denied.

167. Answering Paragraph 167, denied.

168. Answering Paragraph 168, denied.

169. Answering Paragraph 169, this paragraph contains legal conclusions, which do not require a response. To the extent a response is required, denied.

170. Answering Paragraph 170, denied.

COUNT II

(Medical Malpractice – NaphCare)

171. Answering Paragraph 171, admitted that NaphCare from September 15, 2021 to the present NaphCare was/is the current contracted healthcare services provider for the Pima County Jail. Admitted that NaphCare was, at all relevant times, a licensed healthcare provider under Arizona law. Any remaining allegations are denied.

172. Answering Paragraph 172, admitted that, in principle, NaphCare can be liable for the conduct of its own employees who are acting within the line and scope of their employment. Such liability is denied here. The remaining allegations in this paragraph are denied.

173. Answering Paragraph 173, denied.

COUNT III
(Wrongful Death – NaphCare)

174. Answering Paragraph 174, denied.

175. Answering Paragraph 175, denied.

COUNT IV
(42 U.S.C. § 1983 – Individual Medical Defendants)

176. Answering Paragraph 176, denied as to the allegations asserted against the NaphCare employees. Denied that Dr. Samaan was employed by NaphCare. Otherwise, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

COUNT V
(Medical Malpractice – Individual Medical Defendants)

177. Answering Paragraph 177, denied as to the allegations asserted against the NaphCare employees. Denied that Dr. Samaan was employed by NaphCare. Otherwise, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

178. Answering Paragraph 178, NaphCare denies the allegations contained therein on behalf of the NaphCare employees. Otherwise, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

COUNT VI
(Wrongful Death – Individual Medical Defendants)

179. Answering Paragraph 179, denied as to the allegations asserted against the NaphCare employees. Denied that Dr. Samaan was employed by NaphCare. Otherwise, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

180. Answering Paragraph 180, denied as to the allegations asserted against the NaphCare employees. Otherwise, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

COUNT VII
(42 U.S.C. § 1983 – Pima County)

181. Answering Paragraph 181, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

COUNT VIII
(42 U.S.C. § 1983 – Pima County)

182. Answering Paragraph 182, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

COUNT IX
(42 U.S.C. § 1983 – Sheriff Nanos)

183. Answering Paragraph 183, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

COUNT X
(42 U.S.C. § 1983 – Sheriff Nanos)

184. Answering Paragraph 184, these allegations do not pertain to the NaphCare Defendants, they are without knowledge to form an opinion as to the truthfulness of the allegations contained within this paragraph, and therefore deny the same.

X. JURY TRIAL

185. The NaphCare Defendants demand a jury on all issues so triable.

XI. REQUEST FOR RELIEF

Answering Paragraphs 186-193, the NaphCare Defendants deny all allegations regarding negligence, deliberate indifference, and liability. The NaphCare Defendants further deny that their actions were the cause of Plaintiffs' damages and deny that Plaintiffs are entitled to any damages, relief, or judgment against them.

AFFIRMATIVE DEFENSES

1. The NaphCare Defendants deny each and every allegation not specifically admitted above.

2. The NaphCare Defendants affirmatively assert that Plaintiffs' Complaint fails to state a claim upon which relief may be granted against them.

1 3. The NaphCare Defendants affirmatively assert that Plaintiffs' Complaint
2 fails the requirements of Rule 8 of the Federal Rules of Civil Procedure and merely contains
3 labels and conclusions and threadbare recitals of the elements of causes of action. *Cullen*
4 *v. Auto-Owners Ins. Co.*, 218 Ariz. 417, 419 ¶ 7 (2008) (citation omitted).

6 4. Plaintiffs have failed to state a claim for deliberate indifference against the
7 NaphCare Defendants. Plaintiff's allegations demonstrate that the NaphCare Defendants
8 were not deliberately indifferent to the Decedent.

10 5. The NaphCare Defendants allege Plaintiffs have failed to set forth the
11 requisite showing of subjective intent necessary to sustain a cause of action alleging a
12 constitutional violation.

14 6. The allegations in Plaintiff's Amended Complaint do not amount to a
15 constitutional violation and, as such, are not actionable under 42 U.S.C. § 1983.

17 7. The NaphCare Defendants did not violate any clearly established laws or
18 rights in carrying out their duties as related to Decedent and may be entitled to the
19 protection of qualified immunity.

21 8. The NaphCare Defendants deny that they denied Decedent with any right
22 protected by the United States Constitution.

24 9. The NaphCare Defendants deny that any of their acts or omissions caused
25 Plaintiffs to suffer any cognizable injuries or damages.

27 10. The NaphCare Defendants plead the affirmative defense of comparative
28 negligence and comparative fault.

1 11. The NaphCare Defendants plead the affirmative defense of contributory
2 negligence and assumption of risk.

3 12. The NaphCare Defendants plead the affirmative defense of failure to mitigate
4 damages.

5 13. The NaphCare Defendants affirmatively allege that Plaintiffs' damages, if
6 any, may have been caused by or contributed to by other individuals or entities not currently
7 known to NaphCare or by individuals or entities not under the control of the NaphCare
8 Defendants pursuant to A.R.S. §12-2501, et seq. The NaphCare Defendants expressly
9 reserve the right to allege non-parties at fault as permitted under Arizona law.

10 14. The NaphCare Defendants assert all affirmative defenses in 8(c) and 12(b)
11 Fed. R. Civ. P. to avoid waiver.

12 15. The NaphCare Defendants deny that Plaintiffs are entitled to punitive
13 damages under Arizona law against the NaphCare Defendants as there existed no conduct
14 in this case motivated by an evil motive or intent, nor did any conduct involve reckless or
15 callous indifference to the rights of Decedent and/or the Plaintiffs, thereby precluding
16 punitive damages.

17 16. To the extent that any of the NaphCare Defendants are found liable in this
18 case, the NaphCare Defendants are entitled to an apportionment of liability.

19 17. Plaintiffs have failed to meet the conditions precedent to bringing this action
20 against the NaphCare Defendants.

21 18. The NaphCare Defendants at all times met or exceeded the applicable
22 standard of care in their medical care and treatment of Decedent.

1 19. The NaphCare Defendants are not state actors for purposes of 42 U.S.C. §
2 1983 and, therefore, Plaintiff's Amended Complaint fails to state a § 1983 claim against
3 the NaphCare Defendants.

4 20. The NaphCare Defendants are not liable for exemplary or punitive damages
5 under 42 U.S.C. § 1983.

6 21. The NaphCare Defendants affirmatively assert, in the alternative, that if they
7 are determined to be liable for the allegations alleged in the Complaint, which the
8 NaphCare Defendants deny, the NaphCare Defendants are entitled to contribution from
9 other Defendants, named and unnamed, by way of the doctrine of contribution.

10 22. The NaphCare Defendants affirmatively assert that Plaintiffs are not entitled
11 to seek damages related to any claims for the pain and suffering of the Decedent allegedly
12 experienced before her death on the wrongful death claim, and is limited to seek only the
13 alleged, allowable damages to the beneficiaries, confined to their alleged loss because of
14 the death. *See e.g.*, A.R.S. § 12-613; *In re Estate of Winn*, 225 Ariz. 275, 277-78, ¶ 13
15 (App. 2010).

16 23. The NaphCare Defendants affirmatively assert that all or a portion of
17 Plaintiffs' alleged damages, if any, may have been all or partly proximately caused by the
18 actions or inactions of Decedent, including, but not limited to, refusal of treatment, and by
19 operation of law are imputed to Plaintiffs and statutory beneficiaries, all of which either
20 bars or reduces on a comparative basis, any recovery against the NaphCare Defendants.

1 24. The NaphCare Defendants affirmatively assert that their conduct, and that of
2 NaphCare's employees or agents, was at all times lawful and within the appropriate
3 standard of care.

4 25. The NaphCare Defendants affirmatively assert that Plaintiffs' alleged
5 damages were proximately caused by persons or entities over which the NaphCare
6 Defendants had no control.

7 26. The NaphCare Defendants affirmatively assert that Plaintiffs are required to
8 prove their claims through qualified expert testimony. *See* A.R.S. §§ 12-2603, 12-2604.

9 27. The NaphCare Defendants affirmatively assert that to hold the NaphCare
10 Defendants liable for the state claims at issue, Plaintiffs must prove that the NaphCare
11 Defendants fell below the applicable standard of care and that the alleged failure to meet
12 the applicable standard of care was the proximate cause of Plaintiffs' alleged injuries and
13 damages. *See* A.R.S. §§ 12-563 and 12-572.

14 28. As and for a separate affirmative defense, and in the alternative, the
15 NaphCare Defendants alleges that they did not have a duty of care, custody, and control
16 over Decedent in the detention setting.

17 29. The NaphCare Defendants affirmatively assert that any alleged action or
18 inaction by themselves or NaphCare's employees was not the proximate cause of Plaintiffs'
19 alleged injuries, losses, and damages.

20 30. The NaphCare Defendants affirmatively assert that no employee of
21 NaphCare committed a tort and, therefore, no liability can be independently attached to
22 NaphCare. *Mulhern v. City of Scottsdale*, 165 Ariz. 395, 398 (App. 1990).

1 The NaphCare Defendants put Plaintiffs on notice that affirmative defenses may be
2 added or removed in an amended answer after or during discovery. During the course of
3 litigation, the NaphCare Defendants may discover facts which support one or more of the
4 affirmative defenses set forth in Rule 8(c) and/or Rule 12(b) of the Federal Rules of Civil
5 Procedure, and to avoid waiving said defenses, NaphCare hereby incorporates them by
6 reference.
7

8
9 **WHEREFORE**, having fully answered the allegations of Plaintiffs' Complaint, the
10 NaphCare Defendants pray that same be dismissed with prejudice, that Plaintiffs take
11 nothing thereby, that the NaphCare Defendants be awarded their costs and attorneys' fees
12 incurred herein, and for such other and further relief as to this Court deems just under the
13 circumstances.
14

15 **THE NAPHCARE DEFENDANTS DEMAND A TRIAL BY STRUCK JURY**

16 DATED this 16th day of July, 2024.

17
18 LIGHTFOOT, FRANKLIN & WHITE, LLC

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28 *R.N., and Matthew Woods, M.H.P.*

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2024, a true copy of the foregoing document was electronically submitted with the clerk of the court for the U.S. District Court of Arizona, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Rachelle E. Sanchez
Rachelle E. Sanchez