

LAURA CONOVER
PIMA COUNTY ATTORNEY
CIVIL DIVISION

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Chris Nanos*

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

The Estate of Mary Faith Casey a/k/a Mary
Hutchinson, by and through its Co-Personal
Representatives, Karina Kepler and Carlin
Casey; Karina Kepler, an individual; and
Carlin Casey, an individual,

Plaintiffs,

vs.

NaphCare, Inc., an Alabama corporation;
Pima County, Arizona; 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-AMM

**COUNTY DEFENDANTS' AMENDED
ANSWER TO PLAINTIFFS'
COMPLAINT**

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1 Defendants Pima County and Chris Nanos (“Nanos”) (collectively “County
2 Defendants”), through undersigned counsel, and for themselves only, for their Amended
3 Answer to Plaintiffs’ Complaint (“Complaint”) [Doc. 1], admit, deny, and affirmatively
4 allege as follows in response to only the allegations asserted against them:

5 **I. PRELIMINARY STATEMENT**

6 1. Admit Mary Faith Casey (“Decedent”) was confined in the Pima County
7 Adult Detention Complex (“Jail”) and deny that that there is a viable cause of action against
8 County Defendants.

9 2. Deny the allegations insofar as they are asserted against County Defendants.
10 County Defendants lack knowledge or sufficient information to form a belief about the
11 truth of the remaining allegations in Paragraph 2 about Decedent and therefore, deny.

12 3. To the extent Paragraph 3 asserts access to court and counsel claims, those
13 claims were dismissed; therefore, no response is required. [Doc. 74.] To the extent a
14 response is required, deny. Deny the remaining allegations asserted against County
15 Defendants.

16 4. Admit only that Defendant Pima County contracted with NaphCare
17 beginning in September of 2021 to provide healthcare services at the Jail and deny the
18 remaining allegations asserted against County Defendants. County Defendants lack
19 knowledge or sufficient information to form a belief about the truth of the allegations
20 regarding Plaintiffs’ alleged motivations for filing this lawsuit and regarding NaphCare
21 and therefore, deny.

22 **II. SUMMARY**

23 5. No response is required to the first two sentences of Paragraph 5, as they are
24 not directed to any Defendant. County Defendants deny all remaining allegations.

25 6. Admit only that Decedent was arrested and booked into the Jail on April 30,
26 2022. To the extent that Paragraph 6 misstates, mischaracterizes, or takes out of context

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1 medical or jail records, those allegations are denied. County Defendants lack knowledge
2 or sufficient information to form a belief about the truth of the remaining allegations
3 concerning Decedent’s arrest and therefore, deny.

4 7. Admit only that Decedent was incarcerated in 2021. To the extent that
5 Paragraph 7 misstates, mischaracterizes or takes medical or jail records out of context,
6 those allegations are denied. County Defendants lack knowledge or sufficient information
7 to form a belief about the truth of the remaining allegations which appear to be directed at
8 NaphCare and therefore, deny.

9 8. County Defendants admit that individual custody staff noticed that Decedent
10 refused food on at least one occasion. To the extent that Paragraph 8 misstates,
11 mischaracterizes or takes medical or jail records out of context, those allegations are
12 denied. County Defendants lack knowledge or sufficient information to form a belief about
13 the truth of the remaining allegations and therefore, deny.

14 9. To the extent that Paragraph 9 misstates, mischaracterizes or takes medical
15 or jail records out of context, those allegations are denied. County Defendants lack
16 knowledge or sufficient information to form a belief about the truth of the remaining
17 allegations and therefore, deny.

18 10. Deny the allegations insofar as they are asserted against County Defendants.
19 To the extent that Paragraph 10 misstates, mischaracterizes or takes medical or jail records
20 out of context, those allegations are denied. County Defendants are without sufficient
21 information to form a belief about the truth of the remaining allegations in Paragraph 10
22 and therefore, deny.

23 11. To the extent that Paragraph 11 misstates, mischaracterizes or takes medical
24 or jail records out of context, those allegations are denied. County Defendants are without
25 sufficient information to form a belief about the truth of the remaining allegations in
26 Paragraph 11 and therefore, deny.

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1 12. Deny that Decedent was released “to die.” Admit that Decedent was
2 hospitalized three times during her Jail confinement. To the extent that Paragraph 12
3 misstates, mischaracterizes or takes out of context medical or jail records, those allegations
4 are denied. County Defendants are without sufficient information to form a belief about
5 the truth of the remaining allegations in Paragraph 12 and therefore, deny.

6 13. The allegations in Paragraph 13 do not appear to be pled against County
7 Defendants; therefore, no response is required. To the extent a response is required, deny.

8 14. To the extent that Paragraph 14 contains allegations against County
9 Defendants, those allegations are denied. To the extent Paragraph 14 alleges access to court
10 or counsel claims, those claims were dismissed by the Court; thus, no response is required.
11 [Doc. 74.] County Defendants are without sufficient information to form a belief about the
12 truth of the remaining allegations in Paragraph 14, and therefore, deny.

13 15. Admit only that Decedent was released from Jail custody on August 18,
14 2022. To the extent that Paragraph 15 misstates mischaracterizes or takes out of context
15 court, medical, or jail records, those allegations are denied. County Defendants are without
16 sufficient information to form a belief about the truth of the remaining allegations in
17 Paragraph 15 and therefore, deny.

18 16. Admit only that Decedent was released from Jail custody on August 18,
19 2022. To the extent that Paragraph 16 misstates, mischaracterizes or takes out of context
20 medical or jail records, those allegations are denied. County Defendants are without
21 sufficient information to form a belief about the truth of the remaining allegations in
22 Paragraph 16 and therefore, deny.

23 17. Admit only that Pima County contracted with NaphCare to provide
24 healthcare services at the Jail during Decedent’s 2022 incarceration. Affirmatively allege
25 that the October 2022 contract renewal with NaphCare was for up to \$63,870.32315, which
26 covered a period of three years. County Defendants are without sufficient information to

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1 form a belief about the truth of the remaining allegations in Paragraph 17 and therefore,
2 deny.

3 **III. JURISIDICITION AND VENUE**

4 18. Admit.

5 19. Admit.

6 **IV. PARTIES**

7 20. Admit only that Decedent was incarcerated from April 30, 2022 to August
8 18, 2022. County Defendants deny that Decedent was a pre-trial detainee and the
9 applicability of the Fourteenth Amendment. County Defendants are otherwise without
10 sufficient information to form a belief about the truth of the remaining allegations in
11 Paragraph 20 and therefore, deny.

12 21. County Defendants are without sufficient information to form a belief about
13 the truth of the allegations in Paragraph 21 and therefore, deny.

14 22. County Defendants are without sufficient information to form a belief about
15 the truth of the allegations in Paragraph 22 and therefore, deny.

16 23. Admit that Pima County entered into an emergency contract with NaphCare
17 to provide healthcare at the Jail beginning in September of 2021 and a new three-year
18 contract was awarded to NaphCare in October 2022. To the extent that Paragraph 23
19 misstates, mischaracterizes, or takes out of context the contract terms, those allegations are
20 denied. The remainder of Paragraph 23 is not pled against County Defendants; therefore,
21 no response is required.

22 24. Admit that Pima County is a jural governmental entity. Deny that Pima
23 County was responsible for training and supervision of custodial Jail employees or
24 adopting, implementing, and enforcing Jail policies. Admit that Pima County is responsible
25 for the provision of healthcare at the Jail. County Defendants deny the remaining
26 allegations in Paragraph 24.

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1 36. County Defendants are without sufficient information to form a belief about
2 the truth of the allegations in Paragraph 36 and therefore, deny.

3 37. County Defendants are without sufficient information to form a belief about
4 the truth of the allegations in Paragraph 37 and therefore, deny.

5 38. County Defendants are without sufficient information to form a belief about
6 the truth of the allegations in Paragraph 38 and therefore, deny.

7 39. County Defendants are without sufficient information to form a belief about
8 the truth of the allegations in Paragraph 39 and therefore, deny.

9 40. Admit that Decedent received medical and mental health care during her
10 2021 incarceration and that NaphCare was not the Jail’s healthcare provider in 2021.
11 County Defendants are without sufficient information to form a belief about the truth of
12 the remaining allegations in Paragraph 40 and therefore, deny.

13 41. County Defendants are without sufficient information to form a belief about
14 the truth of the allegations in Paragraph 41 and therefore, deny.

15 42. County Defendants are without sufficient information to form a belief about
16 the truth of the allegations in Paragraph 42 and therefore, deny.

17 43. County Defendants are without sufficient information to form a belief about
18 the truth of the allegations in Paragraph 43 and therefore, deny.

19 44. County Defendants are without sufficient information to form a belief about
20 the truth of the allegations in Paragraph 44 and therefore, deny.

21 45. County Defendants are without sufficient information to form a belief about
22 the truth of the allegations in Paragraph 45 and therefore, deny.

23 46. Paragraph 46 does not contain allegations against County Defendants;
24 therefore, no response is required. To the extent a response is required, deny.

25 47. Paragraph 47 does not contain allegations against County Defendants;
26 therefore, no response is required. To the extent a response is required, deny.

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1 48. Paragraph 48 does not contain allegations against County Defendants;
2 therefore, no response is required. To the extent a response is required, deny.

3 49. Paragraph 49 does not contain allegations against County Defendants;
4 therefore, no response is required. To the extent a response is required, deny.

5 50. Paragraph 50 does not contain allegations against County Defendants;
6 therefore, no response is required. To the extent a response is required, deny.

7 51. Paragraph 51 does not contain allegations against County Defendants;
8 therefore, no response is required. To the extent a response is required, deny.

9 52. To the extent that Paragraph 52 misstates or mischaracterizes medical or jail
10 records, those allegations are denied. County Defendants are without sufficient information
11 to form a belief about the truth of the remaining allegations in Paragraph 52 and therefore,
12 deny.

13 53. Admit that on May 21, 2022, Decedent did not collect a dinner tray and that
14 other inmates informed Jail custody staff that Decedent had not eaten breakfast or lunch.
15 County Defendants are without sufficient information to form a belief about the truth of
16 the remaining allegations in Paragraph 53 and therefore, deny.

17 54. County Defendants are without sufficient information to form a belief about
18 the truth of the allegations in Paragraph 54 and therefore, deny.

19 55. Paragraph 55 does not contain allegations against County Defendants;
20 therefore, no response is required. To the extent a response is required, deny.

21 56. Paragraph 56 does not contain allegations against County Defendants;
22 therefore, no response is required. To the extent a response is required, deny.

23 57. To the extent Paragraph 57 makes allegations against any County
24 Defendants, County Defendants are without sufficient information to form a belief as to
25 the truth and therefore, deny.

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1 58. Paragraph 58 does not contain allegations against County Defendants;
2 therefore, no response is required. To the extent a response is required, deny.

3 59. Admit only that corrections staff reported instances of Decedent not eating.
4 The remaining allegations in Paragraph 59 are not directed towards County Defendants
5 and therefore, no response is required. To the extent a response is required, deny.

6 60. Paragraph 60 does not contain allegations against County Defendants;
7 therefore, no response is required. To the extent a response is required, deny.

8 61. Paragraph 61 does not contain allegations against County Defendants;
9 therefore, no response is required. To the extent a response is required, deny.

10 62. Admit only that Decedent refused dayroom on several occasions throughout
11 June and July. The remainder of Paragraph 62 does not contain allegations against County
12 Defendants; therefore, no response is required. To the extent a response is required, deny.

13 63. Admit that Jail records indicate corrections staff recorded Decedent “ha[d]
14 not been observed eating” and had been “completely inactive in [her] cell.” The remaining
15 allegations in Paragraph 63 are not directed towards County Defendants and therefore, no
16 response is required. To the extent a response is required, deny.

17 64. Admit only that Jail staff relayed concerns regarding Decedent’s inactivity
18 and not eating to NaphCare staff. The remaining allegations in Paragraph 64 are not
19 directed towards County Defendants; therefore, no response is required. To the extent a
20 response is required, deny.

21 65. Upon information and belief, admit a correctional officer reported that they
22 were concerned about Decedent. Otherwise, County Defendants are without sufficient
23 information to form a belief as to the truth of the remaining allegations in Paragraph 65
24 and therefore, deny.

25 66. Paragraph 66 does not contain allegations against County Defendants;
26 therefore, no response is required. To the extent a response is required, deny.

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1 67. Paragraph 67 does not contain allegations against County Defendants;
2 therefore, no response is required. To the extent a response is required, deny.

3 68. Admit only that on July 17, 2022, Decedent had been in custody for 78 days
4 and that she was released from custody on August 18, 2022. The remainder of Paragraph
5 68 does not contain allegations against County Defendants; therefore, no response is
6 required. To the extent a response is required, deny.

7 69. Admit only that correctional officers occasionally noted that Decedent was
8 giving her food to cellmates. The remainder of Paragraph 69 contains Plaintiffs'
9 characterizations regarding that fact and therefore, no response is required. To the extent a
10 response is required, deny.

11 70. Paragraph 70 does not contain allegations against County Defendants;
12 therefore, no response is required. To the extent a response is required, deny.

13 71. Paragraph 71 does not contain allegations against County Defendants;
14 therefore, no response is required. To the extent a response is required, deny.

15 72. Admit only that corrections staff noted that Decedent had been refusing food
16 and related those concerns to a NaphCare employee. County Defendants are without
17 sufficient information to form a belief as to the truth of the remaining allegations in
18 Paragraph 72 and therefore, deny.

19 73. Paragraph 73 does not contain allegations against County Defendants;
20 therefore, no response is required. To the extent a response is required, deny.

21 74. Admit that records indicate Decedent refused food and various services.
22 Deny remaining allegations in Paragraph 74 against County Defendants.

23 75. The Court dismissed Plaintiffs' access to court and counsel claims; therefore,
24 no response is required to Paragraph 75. [Doc. 74.] To the extent that Paragraph 75 pertains
25 to any remaining claim against County Defendants, deny.

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1 76. The Court dismissed Plaintiffs’ access to court and counsel claims; therefore,
2 no response is required to Paragraph 76. [Doc. 74.] To the extent that Paragraph 76 pertains
3 to any remaining claim against County Defendants, deny.

4 77. The Court dismissed Plaintiffs’ access to court and counsel claims; therefore,
5 no response is required to Paragraph 77. [Doc. 74.] To the extent that Paragraph 77 pertains
6 to any remaining claim against County Defendants, deny.

7 78. The Court dismissed Plaintiffs’ access to court and counsel claims; therefore,
8 no response is required to Paragraph 78. [Doc. 74.] To the extent that Paragraph 78 pertains
9 to any remaining claim against County Defendants, deny.

10 79. The Court dismissed Plaintiffs’ access to court and counsel claims; therefore,
11 no response is required to Paragraph 79. [Doc. 74.] To the extent that Paragraph 79 pertains
12 to any remaining claim against County Defendants, deny. County Defendants are without
13 sufficient information to form a belief about the truth of the allegations in Paragraph 79
14 regarding Decedent’s ability to communicate and therefore, deny.

15 80. Deny.

16 81. Admit only that Decedent was hospitalized three times during her 2022
17 incarceration, that the first hospitalization was on August 4, 2022, and that by August 4,
18 2022, Decedent had been in custody for 96 days. Deny that Decedent “was discharged...to
19 die.” To the extent that Paragraph 81 misstates, mischaracterizes or takes out of context
20 medical or jail records, those allegations are denied. The remaining allegations in
21 Paragraph 81 are not directed at County Defendants; therefore, no response is required. To
22 the extent a response is required, deny.

23 82. Admit only that records indicate that on August 4, 2022, corrections staff
24 indicated to medical staff that Decedent pointed to her throat but did not speak. To the
25 extent that Paragraph 82 misstates, mischaracterizes or takes out of context medical or jail
26 records, those allegations are denied. The remaining allegations in Paragraph 82 are not

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1 directed towards County Defendants; therefore, no response is required. To the extent a
2 response is required, deny.

3 83. Admit only that on August 4, 2022, Officer Lacaillade spoke to mental health
4 staff and expressed concern for Decedent’s wellbeing. To the extent that Paragraph 83
5 misstates, mischaracterizes or takes out of context medical or jail records, those allegations
6 are denied. The remainder of Paragraph 83 does not contain allegations against County
7 Defendants; therefore, no response is required. To the extent a response is required, deny.

8 84. Paragraph 84 does not contain allegations against County Defendants;
9 therefore, no response is required. To the extent a response is required, deny.

10 85. Admit only that Decedent was booked into the Jail on April 30, 2022. To the
11 extent that Paragraph 85 misstates, mischaracterizes or takes out of context medical or jail
12 records, those allegations are denied. The remainder of Paragraph 85 does not contain
13 allegations against County Defendants; therefore, no response is required. To the extent a
14 response is required, deny.

15 86. To the extent that Paragraph 86 misstates, mischaracterizes or takes out of
16 context medical or jail records, those allegations are denied. Paragraph 86 does not
17 otherwise contain allegations against County Defendants; therefore, no response is
18 required. To the extent a response is required, deny.

19 87. To the extent that Paragraph 87 misstates, mischaracterizes or takes out of
20 context medical or jail records, those allegations are denied. Paragraph 87 does not
21 otherwise contain allegations against County Defendant; therefore, no response is required.
22 To the extent a response is required, deny.

23 88. Admit only that Decedent cried during the night of August 6, 2022. The
24 remaining allegations in Paragraph 88 are not directed towards County Defendants;
25 therefore, no response is required. To the extent a response is required, deny.

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1 89. Admit that on August 7, 2022, Decedent had been in custody for 99 days. To
2 the extent that Paragraph 89 misstates, mischaracterizes or takes out of context medical or
3 jail records, those allegations are denied. The remainder of Paragraph 89 does not contain
4 allegations against County Defendants; therefore, no response is required. To the extent a
5 response is required, deny.

6 90. Admit only that Decedent was taken to St. Mary’s Hospital on August 8,
7 2022. To the extent that Paragraph 90 misstates, mischaracterizes or takes out of context
8 medical or jail records, those allegations are denied. The remainder of Paragraph 90 does
9 not contain allegations against County Defendants; therefore, no response is required. To
10 the extent a response is required, deny.

11 91. To the extent that Paragraph 91 misstates, mischaracterizes or takes out of
12 context medical or jail records, those allegations are denied. Paragraph 91 does not
13 otherwise contain allegations against County Defendants; therefore, no response is
14 required. To the extent a response is required, deny.

15 92. Admit only that on August 9, 2022, Decedent had been in custody for 101
16 days. To the extent that Paragraph 92 misstates, mischaracterizes or takes out of context
17 medical or jail records, those allegations are denied. The remainder of Paragraph 92 does
18 not contain allegations against County Defendants; therefore, no response is required. To
19 the extent a response is required, deny.

20 93. Admit only that on August 9, 2022, Decedent had been in custody for 101
21 days. To the extent that Paragraph 93 misstates, mischaracterizes or takes out of context
22 medical or jail records, those allegations are denied. Paragraph 93 does not otherwise
23 contain allegations against County Defendants; therefore, no response is required. To the
24 extent a response is required, deny.

25 94. Paragraph 94 does not contain allegations against County Defendants;
26 therefore, no response is required. To the extent a response is required, deny.

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1 95. Paragraph 95 does not contain allegations against County Defendants;
2 therefore, no response is required. To the extent a response is required, deny.

3 96. Paragraph 96 does not contain allegations against County Defendants;
4 therefore, no response is required. To the extent a response is required, deny.

5 97. To the extent that Paragraph 97 misstates, mischaracterizes or takes out of
6 context medical or jail records, those allegations are denied. Paragraph 97 does not
7 otherwise contain allegations against County Defendants; therefore, no response is
8 required. To the extent a response is required, deny.

9 98. Admit only that Decedent was transferred to the hospital on August 11, 2022.
10 The remainder of Paragraph 98 alleges access to court and counsel claims, which the Court
11 dismissed; therefore, no response is required. [Doc. 74.] To the extent a response is
12 required, deny. The remaining allegations are not directed to the County Defendants;
13 therefore, no response is required. To the extent a response is required, deny.

14 99. To the extent that Paragraph 99 misstates, mischaracterizes or takes out of
15 context medical or jail records, those allegations are denied. Paragraph 99 does not contain
16 allegations against County Defendants; therefore, no response is required. To the extent a
17 response is required, deny.

18 100. To the extent Paragraph 100 pertains to Plaintiffs' access to court and counsel
19 claims, which were dismissed; therefore, no response is required. [Doc. 74.] To the extent
20 a response is required, deny. To the extent Paragraph 100 contains allegations remaining
21 against the County Defendants, those allegations are denied. Otherwise, the allegations in
22 Paragraph 100 are not directed at County Defendants and no response is required. To the
23 extent a response is required, deny.

24 101. Admit only that Decedent returned to the Jail on August 12, 2022. To the
25 extent that Paragraph 101 misstates, mischaracterizes or takes out of context medical or
26 jail records, those allegations are denied. The remainder of the allegations in Paragraph

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1 101 are not directed at County Defendants; therefore, no response is required. To the extent
2 a response is required, deny.

3 102. To the extent that Paragraph 102 misstates, mischaracterizes or takes out of
4 context medical or jail records, those allegations are denied. Paragraph 102 does not
5 otherwise contain allegations against County Defendants; therefore, no response is
6 required. To the extent a response is required, deny.

7 103. To the extent that Paragraph 103 misstates, mischaracterizes or takes out of
8 context medical or jail records, those allegations are denied. Paragraph 103 does not
9 otherwise contain allegations against County Defendants; therefore, no response is
10 required. To the extent a response is required, deny.

11 104. Admit only that on August 16, 2022, Decedent had been in custody for 108
12 days. To the extent that the remainder of Paragraph 104 pertains to Plaintiffs' court and
13 counsel claims, no response is required because those claims were dismissed. [Doc. 74.]
14 To the extent a response is required, deny.

15 105. Admit only that on August 16, 2022, Decedent attended court. To the extent
16 that the remainder of Paragraph 105 pertains to Plaintiffs' court and counsel claims, no
17 response is required because those claims were dismissed. [Doc. 74.] To the extent a
18 response is required, deny. County Defendants are without sufficient information to form
19 a belief about the truth of the remaining allegations in Paragraph 105 and therefore, deny.

20 106. County Defendants are without sufficient information to form a belief about
21 the truth of the allegations regarding Decedent's family's attempts to contact her while
22 Decedent was in Jail and therefore, deny. County Defendants deny any remaining
23 allegations against them.

24 107. Admit only that August 17, 2022 was Decedent's last full day of her 2022
25 incarceration at the Jail. To the extent that Paragraph 107 misstates, mischaracterizes or
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1 takes out of context medical or jail records, those allegations are denied. County
2 Defendants deny all remaining allegations against them.

3 108. Admit only that Decedent was released from Jail on August 18, 2022 and by
4 August 18, 2022, Decedent had been in custody for 110 days. To the extent that Paragraph
5 108 misstates, mischaracterizes or takes out of context medical or jail records, those
6 allegations are denied. The remainder of Paragraph 108 contains no allegations against
7 County Defendants; therefore, no response is required. To the extent a response is required,
8 deny.

9 109. County Defendants are without sufficient information to form a belief about
10 the truth of the allegations in Paragraph 109 and therefore, deny.

11 110. To the extent that Paragraph 110 misstates, mischaracterizes or takes out of
12 context medical or jail records, those allegations are denied. County Defendants are
13 otherwise without sufficient information to form a belief about the truth of the remaining
14 allegations in Paragraph 110 and therefore, deny.

15 111. To the extent that Paragraph 111 misstates, mischaracterizes or takes out of
16 context medical or jail records, those allegations are denied. County Defendants are
17 without sufficient information to form a belief about the truth of the remaining allegations
18 in Paragraph 111 and therefore, deny.

19 112. County Defendants are without sufficient information to form a belief about
20 the truth of the allegations in Paragraph 112 and therefore, deny.

21 113. County Defendants are without sufficient information to form a belief about
22 the truth of the allegations in Paragraph 113 and therefore, deny.

23 114. County Defendants are without sufficient information to form a belief about
24 the truth of the allegations in Paragraph 114 and therefore, deny.

25 115. County Defendants are without sufficient information to form a belief about
26 the truth of the allegations in Paragraph 115 and therefore, deny.

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116. County Defendants are without sufficient information to form a belief about the truth of the allegations in Paragraph 116 and therefore, deny.

117. Admit only that Decedent died on October 6, 2022. County Defendants are without sufficient information to form a belief about the truth of the remaining allegations in Paragraph 117 and therefore, deny.

118. County Defendants deny allegations as to themselves. County Defendants are without sufficient information to form a belief about the truth of the remaining allegations in Paragraph 118 and therefore, deny.

119. County Defendants deny allegations as to themselves. County Defendants are without sufficient information to form a belief about the truth of the remaining allegations in Paragraph 119 and therefore, deny.

120. Deny as to Ms. Casey’s hospitalizations in Tucson, Arizona during 2022. County Defendants are without sufficient information to form a belief about the truth of the remaining allegations in Paragraph 120 and therefore, deny.

121. County Defendants are without sufficient information to form a belief about the truth of the allegations in Paragraph 121 and therefore, deny.

122. County Defendants are without sufficient information to form a belief about the truth of the allegations in Paragraph 122 and therefore, deny.

123. County Defendants are without sufficient information to form a belief about the truth of the allegations in Paragraph 123 and therefore, deny.

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

124. Deny.

125. Paragraph 125 is not alleged against County Defendants; therefore, no response is required. To the extent a response is required, deny.

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1 126. County Defendants admit only that it contracted with NaphCare beginning
2 in September 2021 and deny the remaining allegations in Paragraph 126, including the
3 characterization of the contract amount.

4 127. County Defendants admit only that Pima County first contracted with
5 NaphCare on an emergency basis and without a bidding process and admit that NaphCare
6 was involved in a \$700,000 settlement that involved allegations of fraud. County
7 Defendants are otherwise without sufficient information to form a belief of the truth of the
8 remaining allegations and characterizations in Paragraph 127 and therefore, deny.

9 128. To the extent that Paragraph 128 misstates, misconstrues, or incorrectly
10 paraphrases the terms of Pima County’s contract(s) with NaphCare, County Defendants
11 deny Paragraph 128. County Defendants are otherwise without sufficient information to
12 form a belief of the truth of the remaining allegations in Paragraph 128 and therefore, deny.

13 129. County Defendants admit only that Administrator Leshar issued a memo
14 dated November 7, 2023. However, to the extent Paragraph 129 misstates, misconstrues,
15 incorrectly paraphrases, and/or takes out of context the November 2023 memo, County
16 Defendants deny. The remaining allegations are not directed at County Defendants;
17 therefore, no response is required. To the extent a response is required, deny.

18 130. County Defendants admit only that Administrator Leshar issued a memo
19 dated November 7, 2023. However, to the extent Paragraph 130 misstates, misconstrues,
20 incorrectly paraphrases, and/or takes out of context the November 2023 memo, County
21 Defendants deny. The remaining allegations are not directed at County Defendants;
22 therefore, no response is required. To the extent a response is required, deny.

23 131. Paragraph 131 is not directed to County Defendants; therefore, no response
24 is required. To the extent a response is required, deny.

25 132. Paragraph 132 is not directed to County Defendants; therefore, no response
26 is required. To the extent a response is required, deny.

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1 133. Paragraph 133 is not directed to County Defendants; therefore, no response
2 is required. To the extent a response is required, deny.

3 134. Admit only that Pima County had a contract with NaphCare. Deny
4 allegations regarding Pima County’s contract with NaphCare that are misstated,
5 misconstrued, or taken out of context. County Defendants are without sufficient
6 information to form a belief about the truth of the remaining allegations in Paragraph 134
7 against NaphCare and therefore, deny.

8 135. Admit only that Pima County contracted with NaphCare to provide
9 healthcare at the Jail. Deny that Nanos agreed to allow NaphCare to become the Jail’s
10 healthcare provider. Deny and affirmatively allege that Jail population numbers vary. To
11 the extent that Paragraph 135 misstates, misconstrues, or incorrectly paraphrases the terms
12 of Pima County’s contract(s) with NaphCare, County Defendants deny. County Defendants
13 deny remaining allegations directed against them. County Defendants are without
14 sufficient information to form a belief about the truth of the remaining allegations in
15 Paragraph 135 against NaphCare and therefore, deny.

16 136. Paragraph 136 is not alleged against County Defendants; therefore, no
17 response is required. To the extent a response is required, deny.

18 137. Paragraph 137 is not alleged against County Defendants; therefore, no
19 response is required. To the extent a response is required, deny.

20 138. Admit only that Pima County audits NaphCare’s performance of the contract,
21 that there are financial consequences for performance deficiencies, and that Pima County
22 assessed financial consequences to NaphCare. To the extent that Paragraph 138 misstates,
23 misconstrues, or incorrectly paraphrases the Pima County’s audits, those allegations, and
24 the remaining allegations against County Defendants, are denied.

25 139. Deny.
26

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1 140. Admit only that NaphCare is contractually obligated to adhere to NCCHC
2 Standards. The remainder of Paragraph 140 makes no allegations against County
3 Defendants; therefore, no response is required. To the extent a response is required, deny.

4 141. Admit that the NCCHC is correctly quoted, but to the extent that Paragraph
5 141 misstates, misconstrues, or mischaracterizes the NCCHC standards, deny. County
6 Defendants are without sufficient information to form a belief as to the truth of the
7 remaining allegations in Paragraph 141 and therefore, deny.

8 142. Paragraph 142 makes no allegations against County Defendants; therefore,
9 no response is required. To the extent a response is required, deny.

10 143. Paragraph 143 makes no allegations against County Defendants; therefore,
11 no response is required. To the extent a response is required, deny.

12 144. Deny the first sentence of Paragraph 144. County Defendants are without
13 sufficient information to form a belief as to the truth of the remaining allegations in
14 Paragraph 144 and therefore, deny.

15 145. Deny.

16 146. Admit that the contract is correctly quoted, but to the extent that Paragraph
17 146 misstates, misconstrues, or removes context, deny. County Defendants are without
18 sufficient information to form a belief as to the truth of the remaining allegations in
19 Paragraph 146 and therefore, deny.

20 147. Paragraph 147 makes no allegations against County Defendants; therefore,
21 no response is required. To the extent a response is required, deny.

22 148. Admit only that NaphCare is contractually obligated to adhere to NCCHC
23 Standards. The remainder of Paragraph 148 makes no allegations against County
24 Defendants; therefore, no response is required. To the extent a response is required, deny.

25 149. To the extent that Paragraph 149 misstates, misconstrues, or mischaracterizes
26 Pima County’s contract with NaphCare, those allegations are denied. The remainder of

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1 Paragraph 149 makes no allegations against County Defendants; therefore, no response is
2 required. To the extent a response is required, deny.

3 150. Admit only that NaphCare was contractually required to provide patients
4 referred for mental health services during their receiving screening with a mental health
5 assessment within 14 days of admission. However, to the extent that Paragraph 150
6 misstates, misconstrues, or mischaracterizes Pima County’s contract with NaphCare, those
7 allegations are denied. The remaining allegations in Paragraph 150 are not directed against
8 County Defendants; therefore, no response is required. To the extent a response is required,
9 deny.

10 151. The court dismissed Plaintiffs’ *Monell* allegations regarding the tracking of
11 court competency orders [Doc. 74]; therefore, no response is required. To the extent a
12 response is required, deny.

13 152. Admit only that Pima County, not Nanos, contracted with NaphCare to
14 provide healthcare services at the Jail and that Pima County was aware of the allegations
15 against NaphCare involved in NaphCare’s \$700,000 settlement. County Defendants deny
16 the remaining allegations in Paragraph 152 against them. County Defendants are without
17 sufficient information to form a belief about the truth regarding NaphCare’s alleged
18 prioritization of profitability and therefore, deny

19 153. Admit only that Pima County’s contract with NaphCare imposed financial
20 consequences for failing to meet certain staffing levels, performance indicators, and
21 business requirements and that consequences were imposed upon NaphCare. County
22 Defendants deny the remaining allegations in Paragraph 153.

23 154. Deny.

24 155. Admit only that County Defendants were aware of inmate deaths in 2022 and
25 deny the remaining allegations in Paragraph 155.

26

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1 156. Admit only that NaphCare was awarded a new contract after a bidding
2 process in 2022, and that Pima County relied, in part, on NaphCare’s NCCHC’s
3 accreditation. County Defendants are without sufficient information to form a belief as to
4 the truth of the allegations regarding the County’s insurance broker and therefore, deny.
5 County Defendants deny the remaining allegations against them in Paragraph 156.

6 157. Paragraph 157 makes no allegations against County Defendants; therefore,
7 no response is required. To the extent a response is required, deny.

8 158. Paragraph 158 calls for a legal conclusion and no response is required. To
9 the extent a response is required, deny.

10 159. To the extent that Paragraph 159 misstates, misconstrues, or mischaracterizes
11 Nanos’ statements, those allegations are denied. Paragraph 159 makes no allegations
12 against Pima County therefore, Pima County is not required to respond. To the extent a
13 response is required, deny.

14 160. Deny.

15 161. Paragraph 161 calls for a legal conclusion and no response is required. To
16 the extent a response is required, deny.

17 **VII. PUNITIVE DAMAGES**

18 162. Paragraph 162 makes no allegations against County Defendants; therefore,
19 no response is required. To the extent a response is required, deny.

20 163. Deny.

21 164. Paragraph 164 makes no allegations against County Defendants; therefore,
22 no response is required. To the extent a response is required, deny.

23 **X. CLAIMS FOR RELIEF**

24 165. Admit only that NaphCare was contractually obligated to provide healthcare
25 at the Jail during Decedent’s 2022 incarceration. Deny that the Fourteenth Amendment
26 applies to Decedent. Otherwise, Count I, contained in Paragraphs 165 through 170, are not

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1 directed to County Defendants; therefore, no response is required to Paragraph 165. To
2 the extent a response is required, deny.

3 166. Count I, Paragraph 166 is not directed to County Defendants; therefore, no
4 response is required. To the extent a response is required, deny.

5 167. Count I, Paragraph 167 is not directed to County Defendants; therefore, no
6 response is required. To the extent a response is required, deny.

7 168. Count I, Paragraph 168 is not directed to County Defendants; therefore, no
8 response is required. To the extent a response is required, deny.

9 169. Count I, Paragraph 169 is not directed to County Defendants; therefore, no
10 response is required. To the extent a response is required, deny.

11 170. Count I, Paragraph 170 is not directed to County Defendants; therefore, no
12 response is required. To the extent a response is required, deny.

13 171. Count II, Paragraphs 171 through 173, are not directed to County
14 Defendants; therefore, no response is required Paragraph 171. To the extent a response is
15 required, deny.

16 172. Count II, Paragraph 172, is not directed to County Defendants; therefore, no
17 response is required. To the extent a response is required, deny.

18 173. Count II, Paragraph 173, is not directed to County Defendants; therefore, no
19 response is required. To the extent a response is required, deny.

20 174. Count III, Paragraphs 174 through 175, are not directed to County
21 Defendants; therefore, no response is required to Paragraph 174. To the extent a response
22 is required, deny.

23 175. Count III, Paragraph 175 is not directed to County Defendants; therefore, no
24 response is required. To the extent a response is required, deny.

25 176. Count IV, Paragraph 176, is not directed to County Defendants; therefore, no
26 response is required. To the extent a response is required, deny.

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1 177. Count V, Paragraphs 177 through 178, are not directed to County
2 Defendants; therefore, no response is required to Paragraph 177. To the extent a response
3 is required, deny.

4 178. Count V, Paragraph 178 is not directed to County Defendants; therefore, no
5 response is required. To the extent a response is required, deny.

6 179. Count VI, Paragraphs 179 through 180, are not directed to County
7 Defendants; therefore, no response is required to Paragraph 179. To the extent a response
8 is required, deny.

9 180. Count VI, Paragraph 180 is not directed to County Defendants; therefore, no
10 response is required. To the extent a response is required, deny.

11 181. In response to Count VII, Paragraph 181, deny and affirmatively allege that
12 Decedent had been convicted and was serving a court-imposed sentence; therefore, the
13 Eighth Amendment, not the Fourteenth Amendment, applies.

14 182. Count VIII, Paragraph 182, was dismissed by the Court [Doc. 74]; therefore,
15 no response is required. To the extent a response is required, deny.

16 183. In response to Count IX, Paragraph 183, deny that Sheriff Nanos arrested
17 Decedent. Admit Decedent was booked into the Jail. Deny remaining allegations and
18 affirmatively allege that Decedent had been convicted and was serving a court-imposed
19 sentence; therefore, the Eighth Amendment, not the Fourteenth Amendment applies.

20 184. Count X, Paragraph 184, was dismissed by the Court [Doc. 74]; therefore,
21 no response is required. To the extent a response is required, deny.

22 **GENERAL DENIAL**

23 County Defendants deny each and every allegation not expressly admitted herein.

24 **DEMAND FOR JURY TRIAL**

25 County Defendants demand a jury trial.

26

AFFIRMATIVE DEFENSES

1
2 1. Failure to state a claim upon which relief may be granted, pursuant to Fed.
3 R. Civ. P. 12(b)(6).

4 2. The Complaint fails to meet the requirements of Fed. R. Civ. P. 8. because it
5 merely contains threadbare recitals of the element of a cause of action. *Ashcroft v. Iqbal*,
6 556 U.S. 662, 663 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556-57 (2007)).

7 3. The facts alleged by Plaintiffs do not amount to a constitutional violation.

8 4. No County Defendants’ policy, custom or practice was unconstitutional or
9 deliberately indifferent to Decedent’s medical needs.

10 5. No County Defendants’ policy, custom, or practice caused any party to be
11 deliberately indifferent to Decedent’s medical needs.

12 6. No County Defendants’ custom, policy, or practice was a moving force
13 behind Decedent’s death or Plaintiffs’ alleged damages.

14 7. No County Defendants personally participated in any alleged violation of
15 Decedent’s constitutional rights.

16 8. No County Defendants acted with deliberate indifference to Decedent’s
17 alleged constitutional rights.

18 9. No County Defendants made an intentional decision that put Decedent at a
19 substantial risk of suffering serious harm or death.

20 10. The County Defendants’ conduct was objectively reasonable.

21 11. The County Defendants took reasonable measures to abate or reduce the risk
22 of serious harm or death to Decedent by auditing NaphCare’s performance of the contract
23 and enforcing financial consequences against NaphCare as allowed under the contract, and
24 other such measures.

25 12. The County Defendants acted in good faith in their reliance on applicable
26 law and their contract with NaphCare in their conduct toward Decedent.

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- 1 13. The County Defendants’ actions furthered legitimate penological interests.
- 2 14. Pima County is not responsible for the day-to-day running of the jail. A.R.S.
- 3 §11-441(A)(5)
- 4 15. Nanos is not responsible for the provision of healthcare at the Jail. A.R.S. §
- 5 11-291(A), (C).
- 6 16. Nanos is not liable for the determination of whether to seek resources or
- 7 spend existing resources for the hiring of personnel, pursuant to A.R.S. §12-820.01.
- 8 17. Decedent assumed the risk of not eating and/or not drinking.
- 9 18. Decedent caused or contributed to her own death by not eating or drinking.
- 10 19. Upon information and belief, Decedent, Plaintiffs, Co-Defendants and/or
- 11 unidentified third parties may have caused or contributed to Decedent’s death, and the
- 12 County Defendants may be entitled to indemnity and/or contribution.
- 13 20. Upon information and belief, the County Defendants affirmatively allege that
- 14 Plaintiffs’ damages, if any, were proximately caused by persons or entities over which they
- 15 have no control.
- 16 21. Upon information and belief, the actions of Decedent, Plaintiffs, Co-
- 17 Defendants, and/or unidentified third parties may have constituted intervening or
- 18 superseding causes of Decedent’s death and eliminate County Defendants’ liability.
- 19 22. Lack of duty.
- 20 23. Lack of breach of any duty.
- 21 24. Lack of proximate cause.
- 22 25. The damages claimed by Plaintiffs, if any, are speculative, are not supported
- 23 by proof and thus not compensable as a matter of law.
- 24 26. Plaintiffs and the statutory beneficiaries may have failed to mitigate their
- 25 damages, if any, thus barring or reducing recovery against the County Defendants.
- 26

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2025, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/Sandy Tokin

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