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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 **CV2020-053506**

12 Katalin Metro and George Metro, husband)
13 and wife,)

14 Plaintiffs,)

15 vs.)

16 City of Phoenix, a Governmental Entity and)
17 its agencies the Police Department and Fire)
18 Department; Black Corporations I-X; and Docs)
19 I-X,)

20 Defendant.)

No. _____

21 **SUMMONS**

22 If you would like legal advice from a lawyer,
23 (Tier 3 case) or
24 contact the Lawyer Referral Service at
25 602-257-4434
26 www.maricopalawyers.org
Sponsored by the
Maricopa County Bar Association

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

FROM THE STATE OF ARIZONA TO:

CITY OF PHOENIX

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

2020 JUN -3 AM 10:10
CITY CLERK DEPT.

1 If you do not want a judgment or order taken against you without your input, you
2 must file an Answer or a Response in writing with the court, and pay the filing fee.

3
4 If you do not file an Answer or Response the other party may be given the relief requested
5 in his/her Petition or Complaint. To file your Answer or Response take, or send, the
6 Answer or Response to the Office of the Clerk of the Superior Court, 201 W. Jefferson
7 Street, Phoenix, Arizona 85003-2205 or Office of the Clerk of the Superior Court, 18380
8 N. 40th Street, Phoenix, Arizona 85032 or Office of the Clerk of Superior Court, 222 E.
9 Javelina Drive, Mesa, Arizona 85210-6201 or Office of the Clerk of Superior Court, 14264
10 W. Tierra Buena Lane, Surprise, Arizona, 85374. Mail a copy of your Response or
11 Answer to the other party at the address listed on the top of this Summons.
12

13 If this Summons and the other court papers were served on you by a registered
14 process server or the Sheriff, within the State of Arizona, your Response or Answer must
15 be filed within twenty (20) calendar days from the date you were served, not counting the
16 day you were served. If this Summons and other papers were served on you by a registered
17 process server or the Sheriff outside the State of Arizona, your Response or Answer must
18 be filed within thirty (30) calendar days from the date you were served, not counting the
19 day you were served. Service by a registered process server or the Sheriff is complete
20 when made. Service by Publication is complete thirty (30) days after the date of the first
21 publication.
22
23
24

25 You can get a copy of the court papers filed in this case from the Plaintiff at the
26 address at the top of this paper, or from the Clerk of the Superior Court's Customer Service

1 Center at 601 W. Jackson, Phoenix, Arizona 85003 or at 222 E. Javelina Drive, Mesa,
2 Arizona 85210.

3
4 Requests for reasonable accommodation for persons with disabilities must be made
5 to the court by parties at least 3 working days in advance of a scheduled court proceeding.
6 Requests for an interpreter for persons with limited English proficiency must be made to
7 the division assigned to the case by the party needing the interpreter and/or translator or
8 his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.
9

10 SIGNED AND SEALED this date: _____

COPY

JUN 02 2020

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12 Jeff Ford, Clerk of the Superior Court
13 J. FORD
14 DEPUTY CLERK



14 By _____
15 Deputy Clerk

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JUN 02 2020



CLERK OF THE SUPERIOR COURT
J. FORD
DEPUTY CLERK

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

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

11 **CV 2020-053506**

12 Katalin Metro and George Metro, husband)
13 and wife,)
14)
15 Plaintiffs,)

No. _____

COMPLAINT

16 vs.)

17 City of Phoenix, a Governmental Entity and)
18 its agencies the Police Department and Fire)
19 Department; Black Corporations I-X; and Does)
20 I-X,)
21)
22 Defendant.)

(Tort Non-Motor Vehicle)

(Tier 3 case)

23 Plaintiffs Katalin Metro and George Metro, by and through their attorneys
24 undersigned, for their complaint against Defendant allege as follows:

25 1. Plaintiffs Katalin Metro and George Metro, at all times material hereto,
26 resided in Maricopa County, Arizona.

2. Defendant City of Phoenix is a governmental entity which at all times material
hereto was acting through its employees and agencies, including but not limited to the

1 Phoenix Police Department and its Air Support Unit and Phoenix Fire Department (hereafter
2 collectively referred to as the "City"). Defendant City of Phoenix is liable for the damages
3 caused by the events alleged herein.
4

5 3. Defendants Black Corporations I-X and Does I-X are corporations,
6 partnerships, entities, persons, agents, servants, employers, and/or employees whose true
7 names are currently unknown to Plaintiffs and whose acts and/or omissions caused or
8 contributed to Katalin and George Metros' damages. When the true names of such
9 corporations, partnerships, entities, persons, agents, servants, employers, and/or employees
10 become known to Plaintiffs, Plaintiffs will ask leave of Court to amend this Complaint to
11 reflect such true names, together with appropriate charging allegations.
12

13 4. Venue is proper before this Court, and the Court has jurisdiction over this
14 action and the parties to this action. The amount in controversy exceeds the minimum
15 jurisdictional limits of this Court.
16

17 5. Plaintiffs have previously complied with the Notice of Claim provisions of
18 A.R.S. §12-821.01 with respect to Defendant City of Phoenix by Notice of Claim letter
19 dated November 26, 2019.
20

21 6. This case qualifies as a Tier 3 case under Rule 26.2(b)(3).

22 7. Plaintiffs hereby request and demand a trial by jury on all issues.

23 8. On June 4, 2019, Katalin and George Metro, both of whom are avid hikers,
24 set out on their daily hike along the Circumference Trail of Piestewa Peak in Phoenix,
25 Arizona. The Metros were on their way back down a mountain trail when Katalin lost her
26

1 footing, falling to the ground. As a result of the fall, Katalin injured the left side of her
2 body, including her left arm and hip. Katalin also suffered an injury to her nose and broke
3 her glasses in the fall.
4

5 9. Deciding that Katalin was too sore to continue down the mountain, George
6 Metro contacted 911 requesting assistance. Phoenix Fire Department personnel were
7 dispatched, and arrived on scene at 8:57 a.m. The EMS incident report documents that when
8 Phoenix Fire Department personnel arrived on the trail, paramedics found Katalin on the trail
9 in no obvious distress. Paramedics documented that Katalin was experiencing left sided wrist,
10 arm, hip, leg, and side pain. She had no nausea or vomiting, and confirmed that she had not
11 lost consciousness as a result of the fall.
12

13 10. Once Phoenix Fire Department personnel evaluated Katalin it was clear that
14 she was in no apparent distress. In addition, Katalin expressed to City of Phoenix first
15 responders that she did not want to be taken off the trail by helicopter. Despite these
16 findings and Plaintiff's wishes, the City of Phoenix paramedics/firefighters made the
17 decision to transport Katalin off the trail by helicopter air rescue rather than using a Big
18 Wheel unit or other ground-based method to transport her.
19
20

21 11. The Phoenix Police Department Air Support Unit was called in to air lift
22 Katalin Metro from the Phoenix Mountain Preserve Circumference Trail. The Air Support
23 Unit Special Operations Form identifies pilot Derek Geisel, co-pilot Sergeant Steele, and
24 hoist tech Troy Caskey as the helicopter crew.
25
26

1 12. Once the Air Support Unit arrived on scene, Plaintiff Katalin Metro was placed
2 in a Bauman bag set inside a Stokes litter which was then hooked to the line that would hoist
3 the Bauman bag, litter, and Katalin Metro up to the helicopter. According to City of Phoenix
4 personnel, as Katalin was being hoisted up and was approximately 20 meters from the
5 helicopter, the litter and Katalin began to spin, continuing to speed up, spinning at higher and
6 higher speeds. Helicopter crew personnel purportedly attempted to stop the spinning, but their
7 efforts failed. The crew reports that the trail line broke and Katalin continued spinning wildly.
8 The Air Support Unit was eventually able to slow the spin enough to bring Katalin to the
9 helicopter land where paramedics could transfer her for ground transport to the hospital.

10 13. The City of Phoenix, by and through its actual and ostensible agents,
11 employees, agencies, departments, and/or representatives, including the Phoenix Police
12 Department and its Air Support Unit and Phoenix Fire Department, was responsible for the
13 safety and protection of Plaintiff Katalin Metro, and owed a non-delegable duty to transport
14 her in a reasonably safe and appropriate manner so as to prevent additional injuries, trauma,
15 and damages to Katalin Metro. The City of Phoenix was required to properly evaluate an
16 injured hiker like Katalin Metro, and in the event that transportation of the hiker was required,
17 the City owed a duty to do so in a reasonably safe manner and through appropriate means.
18 The City of Phoenix, through its actual and ostensible agents, employees and/or
19 representatives, was grossly negligent and breached its duty to properly assess the condition
20 its patient Katalin Metro, the accessibility of her location, the terrain of the trail, and the time
21 of day and environmental conditions prior to choosing a high risk helicopter transport rather
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1 than a ground-level transport. The City's acts and omissions caused or contributed to Plaintiff
2 Katalin Metro suffering significant and permanent injuries and damages, and its conduct
3 amounted to negligence, negligence *per se*, gross negligence, and/or other fault which was a
4 cause of Plaintiffs' injuries and damages.
5

6 14. The City of Phoenix, through its actual and ostensible agents, employees
7 and/or representatives, was responsible for the operation of the helicopter, personnel, and
8 equipment used in Plaintiff Katalin Metro's transport. The City was required to (1) act in a
9 reasonably safe and prudent manner; (2) comply with the standard of care in the
10 assignment and placement of personnel and equipment to safely prepare, hoist, and
11 transport injured patients, including Plaintiff Katalin Metro; (3) owed a duty to injured
12 patients like Katalin Metro to properly train its personnel, and maintain its equipment in a
13 reasonably safe condition; and (4) owed a duty to safely and properly evaluate, prepare,
14 staff, equip, hoist, and transport patients, including Plaintiff Katalin Metro, in a reasonably
15 safe and prudent manner. The City of Phoenix breached each and all of these
16 responsibilities and duties with respect to Katalin Metro's care and transport and was
17 negligent, grossly negligent, and otherwise at fault for causing Plaintiffs' injuries and
18 damages.
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22 15. The City of Phoenix was on notice of the potential to have a spinning event like
23 the one which caused injury and damages to Plaintiffs if it failed to comply with safety
24 standards, procedures, and protocols for conducting such a transport. As a result, the City of
25 Phoenix was required to adequately train, prepare for, and execute air transport by following
26

1 well-known safety standards and protocols for such transports, and to be able to promptly
2 respond and stop a spinning event should it begin.

3 16. The City of Phoenix failed to comply with its non-delegable duties to use
4 reasonable care, violated the standard of care, and instead acted in a reckless, negligent, and
5 grossly negligent manner with respect to the evaluation, preparation, staffing, equipment
6 usage, hoisting, and transportation of Plaintiff Katalin Metro, including preparing for and
7 preventing a spinning event and/or properly responding should such an event occur.
8

9 17. The City of Phoenix failed to use reasonable care and failed to comply with the
10 standard of care with respect to the City's choice to evacuate Plaintiff Katalin Metro by
11 helicopter. The City of Phoenix' agents, employees, and/or representatives improperly
12 attached and maintained the tagline during the operation, preventing the proper control of the
13 basket and Plaintiff Katalin Metro. The City of Phoenix personnel were improperly positioned
14 to safely and appropriately hoist the patient, in violation of the standard of care and safe
15 practices. The City of Phoenix personnel failed to promptly respond as required by the
16 standard of care and safe practices to stop the uncontrolled spinning when it began. All of its
17 above described failures were breaches of the City of Phoenix' duty owed to Plaintiffs, and
18 constituted negligence, gross negligence, and other fault which caused or contributed to
19 Plaintiffs' injuries and damages described herein.
20
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23 18. As a direct and proximate result of the negligence, gross negligence, and/or
24 other fault of Defendant, its employees, agents, and/or apparent or ostensible agents as set
25
26

1 forth above, Plaintiff Katalin Metro suffered catastrophic, permanent, and disabling injuries,
2 and will continue to suffer pain, discomfort, disability, and anxiety in the future.

3
4 19. As a direct and proximate result of the negligence, gross negligence, and/or
5 other fault of Defendant, its employees, agents, and/or apparent or ostensible agents as set
6 forth above, Plaintiff Katalin Metro has incurred reasonable expenses of necessary medical
7 care, treatment, and services, and will be required to incur such expenses in the future.

8
9 20. As a direct and proximate result of the negligence, gross negligence, and/or
10 other fault of Defendant, its employees, agents, and/or apparent or ostensible agents as set
11 forth above, George Metro suffered loss of consortium as a result of the injuries and
12 damages his wife suffered as a result of the June 4, 2019 failed helicopter transport attempt.

13 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

14
15 1. For such sums as proven at trial that will fairly and reasonably compensate
16 Plaintiff for her injuries and damages, including general damages for past and future pain,
17 discomfort, loss of enjoyment of life, mental anxiety, anguish and permanent injury;

18
19 2. For such sums as proven at trial that will fairly and reasonably compensate
20 Plaintiff Katalin Metro for her special damages, including but not limited to past, present,
21 and future medical bills;

22
23 3. For such sums as proven at trial that will reasonably compensate Plaintiff
24 George Metro for his loss of consortium;

25 4. For Plaintiffs' costs of suit incurred and to be incurred herein; and

26 5. For such other and further relief as the Court deems appropriate.

1 Dated this 2nd day of June, 2020.

2
3 BEALE, MICHAELS, SLACK
4 & SHUGHART

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6 By _____

K. Thomas Slack
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Phoenix, AZ 85020
Attorneys for Plaintiff

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18 I-X,)

19 Defendant.)

No. CV2020-053506

**CERTIFICATE RE:
COMPULSORY ARBITRATION**

(Tort Non-Motor Vehicle)

(Tier 3 case)

20 The undersigned certifies that the largest award sought by the Plaintiffs exceeds the
21 limits set by Local Rule for compulsory arbitration. This case is therefore not subject to
22 the Uniform Rules of Procedure for Arbitration.

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24 ///

25 ///

1 Dated this 2nd day of June, 2020.

2
3 BEALE, MICHAELS, SLACK
4 & SHUGHART

5
6 By _____

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