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Attorneys for Defendants City of Coolidge and City of Coolidge Fire Department

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

David Gustafson, individually and as
personal representative of Nicole Gustafson
(deceased), and Mel Linda Helmick,
homeowner,

Plaintiffs,

vs.

Town of Coolidge, a municipal corporation,
City of Coolidge Fire Department and/or
Fire District, and John Does and Jane Does
I—V, Black and White Partnerships I—V,
and Black and White Corporations I—V,

Defendants.

Case No.:

**NOTICE OF REMOVAL OF ACTION
FROM STATE COURT**

To the Clerk of the above-entitled Court:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1331, 1343, 1441 and 1446 and
U.S. District Court Local Rule 3.6, Defendants City of Coolidge and City of Coolidge Fire
Department (“Defendants”) hereby notice the removal of the above-captioned case from the

1 Arizona Superior Court, County of Pinal to this Court and in support thereof respectfully show:

2 Plaintiffs filed their Complaint in the state court action on or about June 6, 2023. The City
3 of Coolidge and the City of Coolidge Fire Department were properly served on July 14, 2023. A
4 copy of the State Court Record is attached hereto as Exhibit "A".

5 1. This Notice of Removal is being filed within thirty days after service of the
6 Complaint, which asserts federal claims in the underlying state court action and is timely filed
7 under 28 U.S.C. §1446(b).

8 2. These Defendants have not answered or otherwise responded to the Complaint.

9 3. Plaintiffs have been contacted to discuss the status of this case and do not consent
10 to this removal.

11 4. Upon information and belief, Plaintiffs are residents of the State of Arizona.

12 5. A copy of this Notice has been filed with the Clerk of the Superior Court in and for
13 Pinal County.

14 6. This is a civil action in which Plaintiffs allege constitutional causes of action
15 pursuant to 42 U.S.C. §1983, and also alleged, pendent state law causes of action.

16 WHEREFORE, Defendants request the above-entitled action now pending in the Superior
17 Court of the State of Arizona, in and for the County of Pinal, be removed to this Court and that all
18 further proceedings in this action be conducted in this Court as provided by law, and as a Phoenix
19 Precinct matter pursuant to LRCiv. 77.1.

20 DATED this 14th day of August, 2023.

21
22 JELLISON & ROBENS, PLLC

23 By: /s/ James M. Jellisons

24 James M. Jellison, Esq.

25 Mark J. Robens, Esq.

26 Rodney F.W. States, Esq.

*Attorneys for Defendants City of Coolidge and City
of Coolidge Fire Department*

EXHIBIT A

FILED
REBECCA PADILLA
CLERK OF SUPERIOR COURT

2023 JUN -6 PM 4: 08

MG
DEPUTY

DAVID GUSTAFSON and Mel Linda Helmick— Pro per
9585 North Signal Peak Road
Coolidge Az 85128
Telephone - 520-723-3791
Email. 9585Dag@gmail.com

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

DAVID GUSTAFSON, individually and as
personal representative of NICOLE
GUSTAFSON, Deceased and Mel Linda
Helmick, homeowner

Plaintiffs,

vs.

TOWN OF COOLIDGE, a municipal
corporation, CITY OF COOLIDGE FIRE
DEPARTMENT AND OR FIRE DISTRICT,
AND JOHN DOES and JANE DOES I-V;
BLACK & WHITE PARTNERSHIPS I-V,
BLACK & WHITE CORPORATIONS I-V,

Defendants.

pl. 8918-

Case No CV2023-01125

COMPLAINT

JOSEPH R. GEORGINI

COMES NOW the Plaintiff, pro per and , hereby states and alleges as follows:

1. Venue is proper in the PINAL County Superior Court. This lawsuit seeks damages which exceed the minimum jurisdictional requirements of the Pinal County Superior Court.

CONFORMED COPY FURNISHED

2. Defendants and/or their officers, employees, agents and contractors caused an event(s) to occur within the County of Pinal, State of Arizona, out of which this Rule Discovery Tier: Pursuant to Arizona Rules of Civil Procedure, amount of action arises, Discovery Tier: Pursuant to Arizona Rules of Civil Procedure, amount of action damages requested. Tier 1 — Actions claiming \$50,000.00 or less in damages. Tier 2 — Actions claiming more than \$50,000.00 and less than \$300,000.00, in damages, or actions claiming non-monetary relief. Tier 3 Actions claiming \$300,000.00 or more in damages. This case has more than \$300,000 in damages and should be designed as a Tier 3.

3. Plaintiff – David Gustafson is the Father of Nicole Gustafson who died on June 12, 2022.

4. The town or city of Coolidge, Arizona is believed to be a municipal corporation based in the State of Arizona, doing business, and entering contracts in Pinal County.

5. The Coolidge Fire Department or District are believed to be fire departments and or municipal corporations contracted to provide fire protection in the Coolidge, Arizona and the Coolidge area.

6. The Coolidge Fire Department or District is believed to be a fire department and or municipal corporations contracted to provide fire protection in the Coolidge, Arizona area.

7. The true names, capacities, and/or relationships, whether individual, corporate, partnership, or otherwise, of JOHN DOES I through V and JANE DOES I through V, their respective wives, inclusive, and each of them, and BLACK PARTNERSHIPS I through V and WHITE CORPORATIONS I through V, are and were unknown to the plaintiff at the time of the filing of this Complaint and plaintiff, therefore, sues said defendants, and each of them, by said fictitious names and will ask leave of Court to amend this Complaint to show the true names, capacities, and/or relationships when the same have been ascertained and, therefore, allege that all of said fictitiously-named defendants were either joint tort feasons and/or jointly and severally legally responsible in some manner for the events and happenings therein and proximately caused the injuries and damages to plaintiff as hereinafter set forth.

8. The Plaintiff is informed, believes and thereupon alleges that the Defendants designated herein as DOES 1 through X and/or ABC CORPORATIONS, PARTNERSHIPS, I-X and/or SOLE PROPRIETORSHIPS I-X and or JOINT VENTURES I-x, inclusive, are anyone of the following:

A. Parties responsible in some manner for the events and happening herein referred to that caused damages proximately thereby to the Plaintiff as herein alleged.

B. Parties that are the agents, servants, employees and/or contractors of the Defendants, each of them acting within the course and scope of their agency, employment or contract.

C. Parties that own, lease, manage, operate, secure, inspect, repair, maintain and/or are responsible for the Defendants referred to hereinafter; or

D. Parties that have assumed or retained the liabilities of any of the Defendants by virtue of agreement, sale, transfer or otherwise.

I. CLAIM NUMBER ONE - CONTRACT

9. Plaintiff realleges the allegations in paragraphs I to 8 as if fully set forth herein.

10. David Gustafson INDIVIDUALLY AND IS THE PERSONAL REPRESENTATIVE IN THIS WRONGFUL DEATH ACTION. Regarding Nicole Erin Gustafson, decedent and Mel Linda Helmick, homeowner.

11. The City of Coolidge on behalf of the Coolidge Fire Department (hereinafter "CFD") and their firefighters/first responders (hereinafter "CFD firefighters"), agents, employees, or assigns had contracted to provide fire protection to the Nicole Gustafson and Mel Linda Helmick on or before the fire at 701 West Douglas Ave., Coolidge Az 85128 on 6/12/2022.

12. The City of Coolidge on behalf of the Coolidge Fire Department (hereinafter "CFD") and their firefighters/first responders (hereinafter "CFD firefighters"), agents, employees, or assigns had contracted to provide fire protection to the Nicole Gustafson and Mel Linda Helmick on or before 6/12/2022 and failed to do so in a reasonable manner resulting in the death of Nicole Gustafson and the destruction of the home owned by Mel Linda Helmick.

13. These personal injury claims are made on behalf of David Gustafson, Paityn Renee Kinne, Alexis Nicole Salazar, Daniel Jason Widen as natural father of Chloe Widen, minor beneficiaries to Nicole Erin Gustafson, decedent and Mel Linda Helmick, homeowner (hereinafter "Claimants").

14. These claims arise from the serious physical, mental injuries and property damage inflicted upon claimants as a result of the City of Coolidge, CFD, and their firefighters/first responders, agents, employees, or assigns intentional acts, breach of contracts and their acts of negligence, and their willful and wanton conduct, including but not limited to, failure to implement policies and procedures, failure to train or failure to supervise its employees regarding the adequate emergency response times before, during and after business hours including but not limited to what constitutes reasonableness emergency response times, to implement mandatory training; and more specifically, failure to train or inadequately train firefighters and/or volunteers regarding encounters with persons of an emergency house fire and/or house fires before, during and after business hours, including but not limited to the appropriate use of fire equipment, proper emergency personnel to respond to emergency situations, adequate responses to pager notifications, staffing, crew size or otherwise, proper procedures for rapid response(s) and interactions with persons and properties engulfed in fire with persons inside, failure to adhere to proper fire department procedures and protocol, dereliction of duties, and violations committed by the City of Coolidge on behalf of the CFD their agents, employees, or assigns. In addition The conduct

of other CFD employees, first responders, volunteers, deputies, officers, agents, or others acting with the authority and/or at the direction of the CFD in breach of contracts written and implied also have contributed to the severe injuries and emotional distress and property damage suffered by the Claimants and when their identities become known, these claims may be supplemented to include them but not change the amount claimed as set forth herein. This claim is being made against those individuals in their official and individual capacities under theories of direct and vicarious liability.

15. Claimant, David Gustafson, father of Nicole Erin Gustafson, Deceased, individually and on behalf of all Statutory Beneficiaries, Paityn Renee Kinne, Alexis Nicole Salazar, and Chloe Widen, the natural daughters of Nicole Erin Gustafson (hereinafter the “Statutory Beneficiaries”), assert a Wrongful Death Action against City of Coolidge and/or the CFD and/or their agents, employees and assigns.

16. David Gustafson, father of Nicole Erin Gustafson, Deceased, individually and on behalf of all Statutory Beneficiaries, Paityn Renee Kinne, Alexis Nicole Salazar, and Chloe Widen the natural daughters of Nicole Erin Gustafson assert that City of Coolidge and/or the CFD and/or their agents, employees and assigns were negligent and that their breach of duty was a direct and proximate cause of the death of Nicole Erin Gustafson. The subsequent death of Nicole Erin Gustafson was caused by the actions and/or omissions of the City of Coolidge and/or the CFD and their agents, employees and assigns.

17. Claimant Mel Linda Helmick, homeowner of 701 West Douglas Avenue Coolidge, Arizona 85128 individually further asserts a property damage claim against City of Coolidge and/or the CFD and/or their agents, employees and assigns.

18. Mel Linda Helmick, homeowner of 701 West Douglas Avenue Coolidge, Arizona 85128 assert that City of Coolidge and/or the CFD and/or their agents, employees and assigns were negligent and that their breach of duty was a direct and proximate cause of the property damage sustained. The subsequent total damage to her residence was caused by the actions and/or omissions of the City of Coolidge and/or the CFD and their agents, employees and assigns.

WHEREFORE, Plaintiff prays for the following relief:

19. That the Court find that Defendants breached the contracts as described and such breaches proximately caused Plaintiffs General damages in an amount to be determined at the time of trial but not less than 1 million dollars;
20. For special damages in the sum of approximately \$500,000.00, and other special damages to be proven and established at time of trial;
21. Pre-judgment interest at the statutory rate from September 19, 2019, until the date judgment is entered For costs, interest and attorney's fees allowed under Arizona law;
22. For any and all other damages or amounts deemed reasonable and appropriate by the Court.

II. NEGLIGENCE

23. Plaintiff on behalf of the Claimants claim that the entities named above were negligent and that their breach of duty was a direct and proximate cause of the injuries and damages sustained by Claimants and the wrongful death of Nicole Erin Gustafson. The injuries and damages suffered by Claimants, as well as their related medical expenses, if applicable, loss of consortium, loss of love and affection, and property damage Claimants, were caused in whole or in part by the actions and/or omissions of the City of Coolidge and/or CFD and their agents, employees and assigns involved in the delayed response to house fire located at 701 West Douglas Avenue Coolidge, Arizona 85128, and lack thereof which caused the death of decedent thereby causing severe injuries and damages to Claimants on June 12, 2022.

24. Defendants and each of them were acting within the course and scope of their employment or under the direction and control of The City of Coolidge and/or CFD such that legal liability is imputed to the City of Coolidge and/or CFD, and each of them, under the doctrine of Respondeat Superior and agency principles for the acts and/or omissions of The City of Coolidge and/or CFD.

25. The City of Coolidge and/or the CFD and their agents, employees or assigns failed to utilize reasonable care and conduct in responding to an emergency house fire. The City of Coolidge and/or the CFD and their agents, employees or assigns failed to follow proper

protocol and procedures when responding to an emergency house fire which resulted in the death of Nicole Erin Gustafson, decedent and severe property damage.

26. The City of Coolidge and/or the CFD and their agents, employees or assigns were not properly trained or failed to follow proper training in their attempt to respond in a timely matter after business hours thereby leading to the death of Ms. Gustafson and significant property damage. The City of Coolidge and/or the CFD and their agents, employees or assigns failed to take reasonable actions in the time, place, and manner they responded to the house fire of Nicole Erin Gustafson, decedent which led directly to the erratic, panicked, aggressive response that caused the otherwise avoidable injuries to Claimants, property damage and Nicole Erin Gustafson's unfortunate death.

27. Plaintiff on behalf of the Claimants assert claims for personal injuries and damages based on the negligence of The City of Coolidge and/or CFD and their agents, employees, or assigns. The acts and/or omissions of City of Coolidge and/or CFD and their agents, employees or assigns breached their duty of care to Claimants. As a direct and proximate result of these acts and/or omissions of City of Coolidge and/or CFD and their agents, employees or assigns, Claimants sustained serious and permanent injuries and property damage.

28. The City of Coolidge and/or CFD, and each of them, were independently negligent in the hiring, training, retention, and/or supervision of their employees, which was a proximate cause of incident.

29. Upon information and belief, The City of Coolidge and/or CFD did not follow proper protocol and standards in a measured way with regard to the actions of responding to an emergency house fire after normal business hours and thus caused the incident injuring the Claimants by failing to respond to the fire for over 40 minutes when the home was about 2 miles from the Coolidge fire station.

30. Upon information and belief, the actions, and inactions of the City of Coolidge and/or CFD lead to the level of gross negligence for which damages including punitive damages may be awarded against the Defendants for the injuries to the Claimants.

31. The CFD General Offense Report proves that The City of Coolidge is responsible for the improper response to the emergency house fire which resulted in a death of Ms. Gustafson, the significant property damage of which caused significant injuries to the Claimants.

A. SPECIFIC NEGLIGENT ACTS INCLUDE FAILURE TO RESPOND TIMELY

32. At 3:40 am or earlier on 6/12/2022 the fire in question was reported to the Coolidge Police Department. The Coolidge Police Department immediately notified Defendant the Coolidge Fire Department. The Coolidge Fire Department claimed it was first notified at 3:51 a.m. Sunday, June 12, 2022, CFD receiving a call about a residence on fire at West Douglas Avenue and Seventh Street.

33. After some time, (almost 1 hour) firefighters were able to knock the fire down enough to enter the residence, but by then they claimed it was too late to rescue the single occupant

of the home who died as a result of the fire. Defendants made no attempt to revive or treat Nicole Gustafson.

34. Coolidge Fire Chief Mark Dillon claimed to Arizona Family – Channel 3 News that it took his firefighters seventeen (17) minutes to respond to a house fire that turned deadly.

35. Fire Chief Dillon said, “Coolidge is a combination department, meaning they only have six full-time paid firefighters; the rest are volunteers. Their full-timers work from 8 a.m. to 8 p.m. That means when the call came in at Gustafson’s home, firefighters were at their homes and had to come to the station, load up and then go. “It’s going to be an extended time for them to do that, so each call is going to be completely different,” Chief Dillon said.” It would be further stated that “17 minutes is actually pretty quick. Not quick enough for the people having to see the fire but it’s not a bad response time.” City Manager Rick Miller said. Miller said the fire department has doubled in size in the last five years and plans to add two full-time firefighters. Miller also said “As the city grows as we are, we’re receiving more revenue from retail sales tax and property taxes; we should be able to continue to grow the fire department,” The City of Coolidge had built a new fire station 9 miles away from the main city of Coolidge in response to new subdivision, instead of adequately staffing the Coolidge original fire department.

36. Prior to June 12, 2022, wrongful death of Nicole Erin Gustafson, CFD knew that it did not have adequate policies and procedures applicable to all CFD firefighters handling

encounters with citizens in emergency situations including a house fire “after hours”, and the appropriate response time.

37. Upon information and belief, CFD has implemented policies and procedures in regard to responding to any and all home fires yet has failed to properly train its firefighters in regard to the proper emergency response times, adequate responses to pager notifications, calls for other services, and/or failed to supervise its employees in regard to handle an emergency fire after normal business hours to assure proper emergency response times and to avoid possible injuries and/or death.

38. Upon information and belief, CFD has not implemented training in regard to the emergency responses to house fires, emergency response times during and after the hours of 8:00a.m. – 8:00 p.m. CFD knew or should have known that at times its firefighters could be away from the fire department and responding from their residences. CFD has either failed to implement policies and procedures, failed to train or failed to supervise its employees regarding the adequate emergency response times outside of business hours of what constitutes reasonableness emergency response times, to implement mandatory training; and more specifically, it either failed to train or inadequately train firefighters and/or volunteers regarding encounters with persons of a house fire and/or house fires before and after business hours, including but not limited to the appropriate use of fire equipment, adequate responses to pager notifications, staffing, crew size or otherwise, proper

procedures for rapid response(s) and interactions with persons and properties engulfed in fire with persons inside.

39. Notwithstanding this knowledge, CFD's final policymakers, including its Chief of Fire, and therefore also City of Coolidge, made deliberate and conscious decisions to create inadequate policies and procedures, if any at all. The policies and customs/practices of the City of Coolidge and CFD directly and proximately caused claimants injuries and other damages as more fully set forth herein. *Exhibit 2 RJD/MSA*

B INADEQUATE ACCOMODATIONS FOR FIREFIGHTERS

40. City of Coolidge and/or the CFD and their agents, employees or assigns failed to provide adequate accommodations at or near the fire station/fire department for emergency personnel to allow any and all firefighters and/or volunteers appropriate means to respond timely to any and all emergency calls before, during and/or after business hours.

41. City Manager Rick Miller during a recent public meeting indicated that "the largest inhibitor to 24/7 service from the local fire department is due to the lack of overnight accommodation such as bunks and resting areas within the two existing fire stations in town." "I would love to see full-time fire department," he said, "but that's a question of cost." "The central fire station in the city he said, "it's got a kitchenette and an office and the big bay – so there's no bed's, no showers, there's nothing like that. It's not built for full-time fire station." Prior to this incident, Fire Chief Mark Dillon had already begun looking into updating the Fire Station to include the above stated.

C. NEGLIGENT HIRING, FAILURE TO TRAIN

42. The City of Coolidge on behalf of the CFD were Grossly negligently, carelessly, and reckless in supervising and training their employees to avoid exposing other residents such as Claimants to severe physical harm. Defendants failed to render medical care to Nicole Gustafson in a timely and reasonable manner.

43. The City of Coolidge on behalf of the CFD and their agents, employees or assigns were not properly trained or failed to follow proper training in their attempt to respond to emergency calls after hours, timely respond from their residence rather than the fire department, properly communicate to assure proper emergency response times. The City of Coolidge on behalf of the CFD and their agents, employees or assigns failed to take reasonable actions in the time, place, and manner they attempted to respond to a house fire which led directly to the erratic, panicked, aggressive response time and spreading fire that caused the otherwise avoidable injuries to Claimants and the unfortunate death of Nicole Erin Gustafson.

44. At all times relevant to this action, The City of Coolidge and CFD had in effect and are responsible for the policies and procedures provided CFD Firefighters in the actions taken relating to Claimant's injuries. These policies and/or training deficiencies amounted to deliberate indifferences to the general public and claimants herein.

45. Per City of Coolidge Fire Department's Website – provides that:

History - Established 1939 - An I.S.O. Class 4 Department - The CFD provides fire protection to 12,800 plus residents covering an area of 70 plus square miles. The CFD currently responds from two stations and is a combination paid - part paid department. The CFD was established in 1939 with the acquisition of a 1940 Ford Seagraves Pumper which was housed in Station 1 built in 1941. The original station is now the home of the Coolidge Chamber of Commerce.

46. CERT Training - CERT is a positive and realistic approach to emergency and disaster situations where citizens may initially be on their own and their actions can make a difference. While people will respond to others in need without the training, one goal of the CERT program is to help them do so effectively and efficiently without placing themselves in unnecessary danger. In the CERT training, citizens learn to: manage utilities and put out small fires, treat the three medical killers by opening airways, controlling bleeding, and treating for shock, provide basic medical aid, search for and rescue victims safely, organize themselves and spontaneous volunteers to be effective, and collect disaster intelligence to support first responder efforts.

47. The Defendants website provided:

Volunteer Firefighter Opportunity - The Fire Department is accepting applications for Volunteer Firefighters. This position would be under general supervision of a Fire Captain and support the effective and efficient duties of the Fire Department.

48. The CFD failed to have the following:

a. **Availability** - The City of Coolidge and CFD failed to have appropriate resources ready and available to respond to incidents after the hours of 8:00 p.m., like the incident herein.

b. **Capability** – The City of Coolidge and CFD did not have the abilities and/or available resources to manage this incident.

c. **Operational Effectiveness** – The City of Coolidge and CFD failed to have adequate availability and capability to respond to an incident like the one stated herein. The response time herein was dangerous, resulting in Ms. Gustafson’s death. The City of Coolidge and CFD knew or should have known that the City of Coolidge’s rapid growth would require an increase in first responder and fire resources to handle increase in emergencies.

D. **Staffing/Crew Size** – The City of Coolidge and CFD failed to have adequate staffing and/or appropriate crew size in order to appropriately respond to this incident. The City of Coolidge and CFD knew or should have known that the City of Coolidge required additional firefighters, fire departments and/or fire stations. In this incident, the City of Coolidge and CFD took too long to respond to the emergency and sent too few people to respond to said emergency. The CFD Chief has been aware in excess of at least a year prior to this incident of the dire need to have additional staffing as well as appropriate accommodations for his employees.

49. It was the duty pursuant to contract and the assumption of fire fighting duties of CFD Firefighters to exercise reasonable care in their interactions with any and all local fires and local residence.

50. CFD Firefighters breached that duty and were ordinarily and grossly negligent when with a conscious indifference towards public safety, failed to have proper policies and procedures, failed to control the incident, failed to have appropriate availability, failed to have appropriate capability, failed to have appropriate operational effectiveness, failed to have appropriate staffing and/or crew size and/or failed to have appropriate emergency response times to an emergency, thereby proximately causing or inciting the death of Nicole Erin Gustafson on 6/12/2022.

51. The City of Coolidge's, on behalf of the CFD and their agents, employees or assigns, negligence created an unreasonable risk of bodily harm to decedent. The City of Coolidge's, on behalf of the CFD and their agents, employees or assigns, negligence created an unreasonable risk of bodily harm to decedent and was a cause of bodily harm and death to decedent. Claimants' direct observation of the event and trauma resulting in the death of Nicole Erin Gustafson caused Claimants to suffer severe emotional distress. The emotional distress suffered by Claimants has resulted in past and ongoing physical injury or illness.

52. Plaintiff on behalf of the Claimant assert that Due to Claimants' close personal relationship with Decedent, The City of Coolidge's, on behalf of the CFD and their agents, employees or assigns, negligence has caused, Plaintiffs and Claimants physical injury and emotional distress which is greater than 1 million dollars.

WHEREFORE, Plaintiff prays for the following relief:

- A. That the Court find that Defendants had duties pursuant to the contracts as described, the undertaking of firefighting responsibilities and the actual attempts at firefighting the fire on 6/12/2022 and such breaches of duty proximately caused Plaintiffs General damages in an amount to be determined at the time of trial but not less than 1 million dollars as described hereafter;
- B. For special damages in the sum of approximately \$500,000.00, and other special damages to be proven and established at time of trial;
- C. Pre-judgment interest at the statutory rate from 6/12/2022, until the date judgment is entered for costs, interest and attorney's fees allowed under Arizona law;
- D. For any and all other damages or amounts deemed reasonable and appropriate by the Court.

III. VICARIOUS LIABILITY AND RESPONDEAT SUPERIOR:

- 53. The entities and individuals listed in this Complaint are liable for the conduct of their employees and agents based upon principals of vicarious liability and respondeat superior.
- 54. The City of Coolidge, on behalf of the CFD, is responsible for the actions of the CFD first responders, volunteers, detectives, employees, deputies, officers, agents, or others acting with the authority and/or at the direction of the city, and/or the CFD.

55. These entities and individuals are also liable for their failure to adequately hire, train, and supervise their employees and agents.

56. Defendants failed to complete their duties and proximately caused the death of Nicole Gustafson. *Exhibit 3 DAK/mrk*

A. COOLIDGE FIRE DEPARTMENT – FAILURE TO FOLLOW CITY OF COOLIDGE ORDINANCES

56. The City of Coolidge, on behalf of the CFD and their agents, employees or assigns, failed to follow and adhere to City of Coolidge – Code of Ordinances. The City of Coolidge, on behalf of the CFD and their agents, employees or assigns, knew or should have known that failure to comply with any and all Code of Ordinances would or could result in severe injuries and/or death. The City of Coolidge, CFD, Fire Chief Mark Dillon, officers, agents, or others acting with the authority and/or at the direction of the city knew or should have known they were not properly staffed, and/or did not have enough manpower to respond timely to emergency situations, and/or did not have proper equipment, and/or did not have proper staff, and/or failed to properly follow policies and procedures to assure proper emergency response times in emergency situations to avoid public injury, property damage and/or death. Furthermore, The City of Coolidge, and/or CFD, lacked efficiency to properly protect life and property from fire.

Including the following City of Coolidge – Code of Ordinances

§ 31.23 FIRE CHIEF - The Fire Chief shall direct the operations of the fire department of the City and personally be present, if possible, at all fires occurring within the City and direct the firefighting operations; conduct training instruction in the firefighting techniques; and perform all other duties as may be assigned him or her by the City Manager and the ordinances of the City and the laws of the state and the United States.

§ 33.51 DEPARTMENTAL RULES AND REGULATIONS - The fire department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Fire Chief with the approval of the Manager.

§ 33.53 APPOINTMENT, POWERS, AND DUTIES OF THE CHIEF - The Fire Chief, Assistant Fire Chiefs, and Volunteer Department shall be appointed by the Manager. It shall be the duty of the Chief to:

- a. Be accountable to the Manager for the personnel, morale, and general efficiency of the fire department.
- B. Direct the operations of the fire department, subject to the rules and regulations thereof.
- C. Be present at all fires, if possible, and plan and direct the extinguishment thereof. During the progress of a fire, the authority of the Fire Chief shall be absolute in all matters directly concerning the extinguishment of the fire and the disposition of property endangered by it.

- D. Conduct suitable drills or instruction in operation or handling of equipment, first aid and rescue work, salvage, a study of buildings in the City, water supplies, and all other matters be investigated the cause, origin, and circumstances of all fires.

- E. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

- F. Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specific time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the Chief is hereby empowered to enter any and all buildings and premises within the City at any reasonable hour. Any person served with such written notice shall comply and notify the Chief of his or her compliance within a reasonable time.

- G. Keep complete records of all fires, inspections, apparatus and equipment, personnel, and other information about the work of the Department open to inspection by the Manager or Council and furnish to the Manager such information upon request.

- H. Make a complete annual report, in writing, to the Manager at such time as may be specified by the Council, and such report shall include the information specified in section (G) above, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.
- I. Enforce or cause to be enforced all ordinances, laws, and regulations of the City and state, insofar as they pertain to fire and safety; and
- J. Appoint Assistant Fire Chiefs, subject to the approval of the Manager and define their duties and the order of their superiority in the absence of the Fire Chief. Generally considered essential to good firemanship and safety of life and property from fire.

§ 33.56 EQUIPMENT - The Department shall be equipped with such apparatus or other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. Recommendations concerning apparatus and equipment needed shall be made by the Chief to the Manager, and after approval by the Council, such apparatus and equipment shall be purchased in such manner as may be designated by the Council. All equipment of the Department shall be safely and conveniently housed in such place or places as may be designated by the Fire Chief with approval of the Manager. No persons shall use any fire

apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the Department. No person shall enter any place where the fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having special permission of, an officer or authorized member of the Department. No fire apparatus or equipment shall be hired out or permitted to leave the fire station except in response to a call for aid at a fire within the corporate limits of the City or in response to a call for aid at a fire in an area authorized for fire protection service or mutual aid under provisions of § 33.57.

C. VIOLATION OF OFFICE OF THE MAYOR – CITY PROCLAMATIONS

57. The City of Coolidge on behalf of the CFD and their agents, employees or assigns' knew or should have known that the failure to have a properly functioning Fire Department would result in harm to the public. Upon information and belief, The City of Coolidge on behalf of the CFD and their agents, employees or assigns' were aware of potential risks to the public as stated within Office of the Mayor – 2015 City Proclamation which stated: "2015 Proclamation – "WHEREAS, the City of Coolidge is committed to ensuring the safety and security of all those living in and visiting COOLIDGE; and WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and WHEREAS, home fires killed 2,755 people in the United States in 2013, according to the National Fire Protection Association (NFPA),

and fire departments in the United States responded to 369,500 home fires; and WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and WHEREAS, one-fifth of all homes with smoke alarms, none were working; and WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and WHEREAS, half of home fire deaths result from fires reported at night between 11 p.m. and 7 a.m. when most people are asleep; and WHEREAS, residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and WHEREAS, residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and WHEREAS, first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and WHEREAS, Coolidge's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and WHEREAS, the 2015 Fire Prevention Week theme, " Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely. NOW THEREFORE, BE IT RESOLVED that I, Jon Thompson, Mayor of the City of Coolidge, do hereby proclaim

October 2015, as " FIRE PREVENTION MONTH" throughout the City of Coolidge, and I urge all the people of Coolidge to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement and to support the many public safety activities and efforts of Coolidge' s fire and emergency services during Fire Prevention Month 2015."

58. On June 12, 2022, Nicole Erin Gustafson (decedent) was the sole occupant of the residence located at 701 West Douglas Avenue when a fire occurred. Upon information and belief, Defendant's emergency personnel were notified including but not limited to CFD by multiple neighbors. The City of Coolidge dispatched and advised of a structure located at 7th Street and Douglas Avenue. Regrettably, the CFD and responding personnel took in excess of seventeen (17) to forty-five (45) minutes respond to the house fire, thereby allowing the residence to become fully engulfed and trapping Nicole Erin Gustafson.

59. Per the Coolidge Police Department Field Case Report – upon arrival it was immediately observed that the residence at 701 West Douglas Avenue was "fully involved with the primary area being on the west side of the home. We heard loud bangs as though something was exploding and a loud roaring which sounded like a gas line or gas supply of some kind. We began immediately looking for the possibility of someone escaping the home but due to the extent of the fire there was no way to determine if this was the case. The fire was extremely hot and aggressive."

EXHIBIT 1
DAG
MTH

60. It would further be noted that firefighters made access on the “C” side of the structure through a window, no occupants were found in said room, so they proceeded to the adjacent room and found one fire fatality positioned between the bed and the dresser. The rest of the structure was not able to be accessed due to the amount of fire still present. Per Fire Captain Mayo, he conducted the initial search and located a female with dark hair, with facial burns to her mouth and nose area and that there wasn’t a lot of fire damage to the room she was located in.

61. As a result of the delayed emergency response, Nicole Erin Gustafson succumbed to the fire and was found deceased. As a direct and proximate cause of the negligent acts and/or omissions of City of Coolidge and/or the CFD and/or their agents, employees and assigns a rapid fire ensued and caused Nicole Erin Gustafson’s unfortunate death. Nicole Erin Gustafson succumbed to her injuries and died within the fire or shortly thereafter fire personnel entered the residence.

62. Upon information and belief, Nicole Erin Gustafson passed away on June 12, 2022, as a direct and proximate result of the injuries she sustained from the fire incident of June 12, 2022. Nicole Erin Gustafson is survived by her father David Gustafson, daughter Paityn Renee Kinne, daughter Alexis Nicole Salazar, and Daniel Jason Widen as natural father of Chloe Widen, daughter all of whom are claimants and statutory beneficiaries in this matter.

63. David Gustafson, father of Nicole Erin Gustafson, Deceased, individually and on behalf of all Statutory Beneficiaries, Paityn Renee Kinne, Alexis Nicole Salazar, and Chloe

Widen, the natural daughters of Nicole Erin Gustafson were all very close to Nicole Erin Gustafson. Her tragic passing has caused a loss of consortium, pain, mental anguish, stress, shock, mental suffering, loss of love, loss of affection, loss of companionship, loss of care, loss of protection, loss of guidance, loss of emotional support, loss of financial support, loss of service and loss of guidance.

GENERAL DAMAGES

64. Plaintiffs and Plaintiff on behalf of statutory Claimants also suffered general damages due to the injuries sustained, including pain and suffering, permanent and emotional trauma as well as the inconvenience caused by their injuries sustained in this incident.

65. Plaintiffs and Plaintiff on behalf of statutory Claimants, filed a Notice of Claim with the City of Coolidge and CFD, which are entitled to notice under the claim statute. Claimants' attorneys has filed a notice of claim that complied with the statutory requirements.

SUM CERTAIN DEMAND

65. Plaintiff and wrongful death beneficiaries have suffered the following damages:

A. COMBINED SUM CERTAIN

The damages in this case are not for a sum certain. Plaintiff has damages for the loss of his daughter and is making wrongful death damage claims for the loss of life of Nicole Gustafson, on behalf of her statutory beneficiaries.

B. INDIVIDUALS SUFFERING DAMAGES:

David Gustafson - Claimant David Gustafson, father of Nicole Erin Gustafson, deceased, individually has suffered wrongful death damages from or against the City of Coolidge, CFD, and their agents, employees, and assigns, (currently unknown to Claimant) arising out of the events herein for the amount of \$2,000,000.00 (Two Million Dollars and No Cents).

Paityn Renee Kinne - Claimant Paityn Renee Kinne, daughter of Nicole Erin Gustafson, deceased, individually hereby offers to settle all wrongful death claims against the City of Coolidge, CFD, and their agents, employees, and assigns, (currently unknown to Claimant) arising out of the events herein for the amount of \$2,000,000.00 (Two Million Dollars and No Cents). This \$2,000,000.00 is a sum certain which this wrongful death claim can be resolved as to the specific claim being made herein on behalf of Paityn Renee Kinne, daughter of Nicole Erin Gustafson. Each of the public entities is on notice that it may settle the wrongful death claim of Paityn Renee Kinne has against it for the sum certain of \$2,000,000.00 (Two Million Dollars and No Cents).

Alexis Nicole Salazar - Claimant Alexis Nicole Salazar, daughter of Nicole Erin Gustafson, deceased, individually hereby offers to settle all wrongful death claims against the City of Coolidge, CFD, and their agents, employees, and assigns, (currently unknown to Claimant) arising out of the events herein for the amount of \$2,000,000.00 (Two Million Dollars and No Cents). This \$2,000,000.00 is a sum certain which this wrongful death

claim can be resolved as to the specific claim being made herein on behalf of Alexis Nicole Salazar, daughter of Nicole Erin Gustafson. Each of the public entities is on notice that it may settle the wrongful death claim of Alexis Nicole Salazar has against it for the sum certain of \$2,000,000.00 (Two Million Dollars and No Cents).

Chloe Widen - Claimant Chloe Widen, daughter of Nicole Erin Gustafson, deceased, individually hereby offers to settle all wrongful death claims against the City of Coolidge, CFD, and their agents, employees, and assigns, (currently unknown to Claimant) arising out of the events herein for the amount of \$2,000,000.00 (Two Million Dollars and No Cents). This \$2,000,000.00 is a sum certain which this wrongful death claim can be resolved as to the specific claim being made herein on behalf of Chloe Widen, daughter of Nicole Erin Gustafson. Each of the public entities is on notice that it may settle the wrongful death claim Chloe Widen has against it for the sum certain of \$2,000,000.00 (Two Million Dollars and No Cents).

Mel Linda Helmick - Claimant Mel Linda Helmick, homeowner, individually hereby offers to settle all property damage claims against the City of Coolidge, CFD, and their agents, employees, and assigns, (currently unknown to Claimant) arising out of the events herein for the amount of \$500,000.00 (Five Hundred Thousand Dollars and No Cents). This \$500,000.00 is a sum certain which this property damage claim can be resolved as to the

specific claim being made herein on behalf of Mel Linda Helmick, homeowner of the house wherein the incident took place that resulted in the death of Nicole Erin Gustafson. Each of the public entities is on notice that it may settle the property damage claim of Mel Linda Helmick has against it for the sum certain of \$500,000.00 (Five Hundred Thousand Dollars and No Cents).

BUILDING DAMAGE

66. Plaintiff realleges the allegations in paragraphs 1 to 65 as if fully set forth herein.

67. Based on the above described fire, and Defendants failure to take control of the fire and extinguish the same in a timely manner and/or be able to extinguish as a result of not responding in a timely manner, Plaintiff property was severely damaged including but not limited to 1.)The roof was burned and will have to be replaced; 2) the rafters, interior wall coverings, sheetrock and ceilings will have to be replaced; 3) the only salvageable remnants were the concrete 11walls of the building of which may possibly not be fixable and may have to be replaced, and 4) the property is now a burnt 'shell.'" There is sufficient evidence to support the property being a total loss.

LOSS OF BUSINESS USE AND USE OF PROERTY:

68. Plaintiffs continue to endure ongoing loss of use of the home due to the severe damage to said property. Plaintiffs have as a result of this fire suffered damages including but not limited to an amount to be proven at trial.

WHEREFORE, Plaintiff prays for the following relief:

- A.** That the Court find that Defendants had duties pursuant to the contracts as described, the undertaking of firefighting responsibilities and the actual attempts at firefighting the fire on 6/12/2022 and such breaches of duty described above that proximately caused Plaintiffs' General property damages in an amount to be determined at the time of trial but not less than \$300,000.00;
- B.** For special damages in the sum of approximately \$300,000.00, and other special damages to be proven and established at time of trial;
- C.** Pre-judgment interest at the statutory rate from 6/12/2022, until the date judgment is entered for costs, interest and attorney's fees allowed under Arizona law;
- D.** For any and all other damages or amounts deemed reasonable and appropriate by the Court.

III. CLAIM PURSUANT TO A.R.S. 12-821.01

66. Plaintiff realleges the allegations in paragraphs 1 to 65 as if fully set forth herein.

67. Plaintiffs asserts a claim pursuant to A.R.S. § 12-713 for the property damage of the property located at fire described above pursuant to A.R.S. 12-821.011 12-820.09 and Stone v. Arizona Highway Commission, 93 Ariz. 384, 381 P.2d 107, and Veach v. City of Phoenix 102 Ariz. 195 (1967) 427 P.2d 335. 321. Defendant took on a legal duty to furnish water for

fire protection for Coolidge and under a legal obligation to render adequate service impartially and without discrimination to all members of the general public to whom its scope of operation extends. See *Town of Wickenburg v. Town of Sabin*, supra; 4 *McQuillin Municipal Corporations*, 2d Ed., 1829. *197 The Supreme Court of Wisconsin in *City of Milwaukee v. Public Service Comm.*, 268 Wis. 16, 66 N.W.2d 716, held that once a city, through its fire fighting service, it held itself out to serve fire protection equally to all homeowners in an area, it must furnish its service to all who reasonably require it.

68. In this case the City of Coolidge and the named fire department failed to maintain or obtain adequate firefighting personnel and equipment to fight this fire in question which caused the total destruction of home of Mel Linda Helmick and the death of Nicole Gustafson.

WHEREFORE THE COURT SHOULD FIND

A. That the Court find that Defendants had duties pursuant to the contracts as described, the undertaking of firefighting responsibilities and the actual attempts at firefighting the fire on 6/12/2022 and such breaches of duty proximately caused Plaintiffs General damages in an amount to be determined at the time of trial but not less than 1 million dollars as described hereafter;

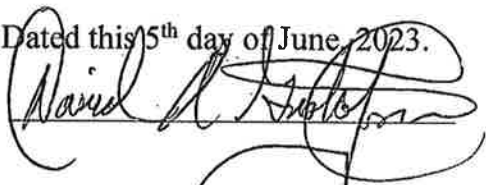
B. For special damages to be awarded to the Plaintiffs in the sum of approximately \$500,000.00, and other special damages to be proven and established at time of trial;

C. Pre-judgment interest at the statutory rate from 6/12/2022, until the date

judgment is entered for costs, interest and attorney's fees allowed under Arizona law;

D. For any and all other damages or amounts deemed reasonable and appropriate by the Court.

Dated this 5th day of June, 2023.



DAVID GUSTAFSON, PLAINTIFF

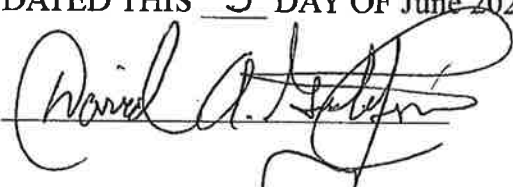


Melinda Helmick, Plaintiff

VERIFICATION

I DAVID GUSTAFSON, being first duly sworn, swear and state on my oath that I have read the foregoing complaint and the facts stated therein are true and correct based on my personal knowledge.

DATED THIS 5 DAY OF June 2023.



DAVID GUSTAFSON, PLAINTIFF

STATE OF ARIZONA)

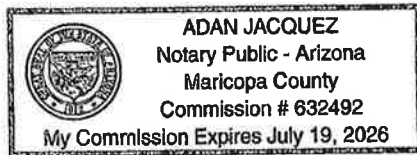
)ss

COUNTY OF MARICOPA)

The foregoing was subscribed and sworn to before me my David Gustafson, on 6/5/2023



Notary Public



VERIFICATION

I Mel Linda Helmick, being first duly sworn, swear and state on my oath that I have read the foregoing complaint and the facts stated therein are true and correct based on my personal knowledge.

DATED THIS 5th DAY OF June 2023.

Mel Linda Helmick

Mel Linda Helmick, PLAINTIFF

STATE OF ARIZONA)

)ss

COUNTY OF MARICOPA)

The foregoing was subscribed and sworn to before me my Mel Linda Helmick, on 6/5/2023

Adan Jacquez

Notary Public

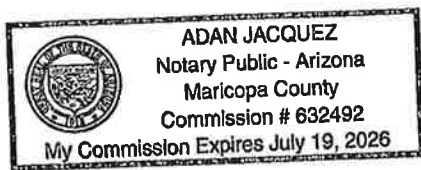


Exhibit 1 Ross/MSA



COOLIDGE POLICE DEPARTMENT
FIELD CASE REPORT

CASE# **2022-00010986**
CONNECTED CASES **2022-**
BOOKING # **2022-**

EVENT	REPORTED DATETIME 06/12/2022 03:51	OCCURRED INCIDENT TYPE Fire Structure	LOCATION OF OCCURRENCE 701 W DOUGLAS AVE COOLIDGE, AZ	BWC: YES	DV: <input type="checkbox"/>
	OCCURRED FROM DATETIME 06/12/2022 03:30	OCCURRED THRU DATETIME 06/12/2022 12:00			


OFFENSES	STATUTE/DESCRIPTION	COUIITS	ATTEMPT/COMMENT

SUBJECT	JACKET/SUBJECT TYPE Adult Victim	NAME (LAST, FIRST, MIDDLE SUFFIX) Gustafson, Nicole Erin					
	DOB [REDACTED]	AGE or AGE RANGE 44	ADDRESS (STREET, CITY, STATE, ZIP) 701 W Douglas AVE Coolidge, AZ 85128				
	RACE White	SEX Female	HEIGHT or RANGE 5'2 5'2	WEIGHT or RANGE 150 150	HAIR Blonde	EYE Blue	
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE (520)560-5051	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE Adult Mention	NAME (LAST, FIRST, MIDDLE SUFFIX) Widen, Daniel Jason					
	DOB [REDACTED]	AGE or AGE RANGE 48	ADDRESS (STREET, CITY, STATE, ZIP) 10981 N Faldale RD Casa Grande, AZ 85122				
	RACE White	SEX Male	HEIGHT or RANGE 5'8 5'8	WEIGHT or RANGE 205 205	HAIR Brown	EYE Blue	
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE (520)510-2534	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE Adult Mention	NAME (LAST, FIRST, MIDDLE SUFFIX) Salazar, Alexis Noelle					
	DOB [REDACTED]	AGE or AGE RANGE 22	ADDRESS (STREET, CITY, STATE, ZIP) 701 W Douglas Coolidge, AZ 85128				
	RACE	SEX Female	HEIGHT or RANGE 5'2 5'2	WEIGHT or RANGE 175 175	HAIR Blonde	EYE Blue	
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE (520)213-2135	PHONE #2	PHONE #3			

DOCUMENTS							
<input type="checkbox"/> LAB / EVIDENCE RPT	<input type="checkbox"/> CITATION	<input type="checkbox"/> DUI FORMS	<input type="checkbox"/> VICTIM RIGHTS	<input checked="" type="checkbox"/> PHOTOS			
<input type="checkbox"/> BOOKING SHEET	<input type="checkbox"/> STATEMENT FORM	<input type="checkbox"/> TOW SHEET	<input type="checkbox"/> CRASH REPORT	<input type="checkbox"/> OTHER			
REPORTING OFFICER Aranda	DATE 06/12/2022	REVIEWED BY Hoffman, Alan	DATE 06/12/2022				

	COOLIDGE POLICE DEPARTMENT FIELD CASE REPORT	CASE# 2022-00010986
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ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	Adult	Mention	Kinne, Paityn Renee			
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	[REDACTED]	18	701 W Douglas AVE Coolidge, AZ 85128			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
White	Female	5'4 5'4	175 175	Red	Blue	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3			
[REDACTED]	(520)251-4051					

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	Adult	Witness	Chuigo, Anise Navarro			
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	[REDACTED]	44	721 W Douglas AVE Coolidge, AZ 85128			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
White	Female	5'1 5'1	240 240	Brown	Brown	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3			
[REDACTED]						

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	Adult	Mention	Rushing, Dennis E			
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	[REDACTED]	62	661 W Douglas AVE Coolidge, AZ 85128			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
Black	Male	5'10	270	Black	Brown	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3			
[REDACTED]						

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)				
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)			
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3		

REPORTING OFFICER	DATE	REVIEWED BY	DATE
Aranda	06/12/2022	Hoffman, Alan	06/12/2022

OF



COOLIDGE POLICE DEPARTMENT
FIELD CASE REPORT

CASE# 2022-00010986

VEHICLES as INVOLVED

INVOLVED VEHICLE	VEHICLE ROLE Victim Vehicle				
	VEH YR 2002	TYPE/MAKE/MODEL Honda ACC		STYLE 4 Door	
	PLATE / STATE CJY7454		VIN 1HGCG165X2A003147	TOP COLOR White	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION Burned in fire				

INVOLVED VEHICLE	VEHICLE ROLE				
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE Burned				VALUE \$8000.00
	VEH YR 2002	TYPE/MAKE/MODEL Honda ACC		STYLE 4 Door	
	PLATE / STATE CJY7454 / AZ		VIN 1HGCG165X2A003147	TOP COLOR White	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION Burned in structure fire				

PROPERTY VEHICLE	PROPERTY CODE				VALUE
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE				VALUE
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

REPORTING OFFICER Aranda	DATE 06/12/2022	REVIEWED BY Hoffman, Alan	DATE 06/12/2022
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OF



COOLIDGE POLICE DEPARTMENT
FIELD CASE REPORT

CASE# 2022-00010986

PRIMARY OFFENSE:

Fire Structure

SYNOPSIS

See narrative.

NARRATIVE

On June 12, 2022, Coolidge dispatch advised of a structure at 7th St and Douglas Ave. All units responded. Officer Gonzalez #66 and I arrived on scene at the same time (0352). Upon arrival, I immediately observed the residence at 701 W Douglas Ave fully involved with the primary area being on the west side of the home. We heard loud bangs as though something was exploding and a loud roaring which sounded like a gas line or gas supply of some kind. We began immediately looking for the possibility of someone escaping the home but due to the extent of the fire there was no way to determine if this was the case. The fire was extremely hot and aggressive. One of the propane tanks was off gassing and pointed towards the neighbors house to the west. A white sedan in the drive way was on fire. We began evacuating neighbors from the nearby homes. After we made contact with all of the neighbors we began collecting information as to whether or not someone was currently living in the home and if anyone had seen what happened. I had Officer Palacios # 27 blocking the roadway at Patton Ave and 7th St, I had my fully marked patrol vehicle blocking the roadway at Douglas, Officer Gonzalez was blocking the roadway at 8th and Douglas Ave and I had Officer Maciver block the roadway at 7th St and Dewey Ave to secure the area for the fire department's arrival on scene. During this time frame, we continued hearing what sounded like loud explosions and items popping in the fire. By this time the fire had moved towards the east side of the home and the roof was collapsing. The carport began to collapse.

I had been advising the fire department via their radio frequency of the information we had thus far. During their fire suppression we remained diligently collecting further information from neighbors. I spoke with Dennis Rushing, who lives in a residence to the east of the affected home. He advised at approximately 0340 or so, he heard two very loud explosions which he believed to sound as though someone was discharging a shotgun right in front of his home. He advised he immediately put on some clothing and went outside to see what had happened. He advised as he exited his home, he saw the house on fire. He advised it was already a large fire and flames were shooting upwards from the west side of the home. I asked if he knew anything of the occupants. He advised a lady and her children lived in the home and asked if we had located them yet. I asked about the vehicles in the driveway and

REPORTING OFFICER Aranda	DATE 06/12/2022	REVIEWED BY Hoffman, Alan	DATE 06/12/2022
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OF



COOLIDGE POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010986

NARRATIVE (continuation)

he advised those were the vehicles that were always there. He didn't know the names of the occupants. I thanked him for the information.

Officer Gonzalez advised he had spoken to another neighbor to the west who was identified as Anise Chuigo. She advised him her son plays with a little girl who lives at the residence. She advised a female and three children lived inside and sometimes her boyfriend was there. She advised there is normally a small black SUV in the driveway however they haven't seen the vehicle or the occupants in about a week.

I was notified by the fire department shortly thereafter that they had located a female subject deceased inside the back bedroom of the home. Fire Captain Mayo advised he had conducted the initial search and located a female with dark hair, with facial burns to her mouth and nose area. He described her as being approximately 5 foot 2 inches or so and weighing approximately 170-180 lbs and he believed her to be in her early 20's. He advised she had dark hair and was lying on the floor. He advised there wasn't a lot of fire damage to that room at that time.

I began researching in house information to locate information on the occupants of the home. I found that dispatch had noted a prior call for service at this residence and the names Nicole Gustafson, Alexis Salazar and Daniel Wilden were listed as living there. I searched for contact information for the subjects and found a number for Nicole. I attempted to call the phone number but there was no answer. We had no information on the male subject.

I made contact with Anise Chuigo at her residence (2 houses to the west of the affected residence). I asked if she knew anything about the people who lived there. Anise advised her son played with the little girl from there and she called him over to ask if he knew their names. Her son advised a little girl named Chloe (6-7 yoa) lived there and he believed her siblings were Payton (18) and possibly Taylor (adult). I thanked them for the information.

I began searching social media for the individuals and found a Facebook page for a Lexi Salazar who was the daughter of Nicole Gustafson. I found that Paityn Kinne was also identified as a daughter of Nicole Gustafson. I found no information on the name Daniel Wilden. I requested registration information for the vehicles on scene. An uninvolved gray sedan was registered to Nicole Gustafson and the white car in the driveway was registered to Daniel Widen. I took the Facebook profile photos for Alexis "Lexi" Salazar and Paityn Kinne to Captain Mayo and asked if he could tell if the decedent was possibly one of these girls based on his previous description. He advised it was difficult to tell, but the photo of Lexi was more likely.

While searching Facebook, I could tell that Nicole had some posts public and those were

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		OF	



COOLIDGE POLICE DEPARTMENT

FIELD CASE REPORT

CASE# 2022-00010986

NARRATIVE (continuation)

the only ones I could see. I saw that she was posting about working for DoorDash in the Eloy area and she posted several things about events in Casa Grande. I contacted Casa Grande PD to see if they had any different contact information for her. It was the end of my shift and fire was conducting their scene safety measures and ensuring the fire was completely extinguished. Chief Dillon had requested I contact the Pinal County Medical Examiner's Office. I made contact with the on call investigator who advised to call back when fire was completely done. I made contact with Detective Lucas who was on call and requested his assistance on scene. I had Officer Gonzalez remain on scene for security and responded to CPD to brief the oncoming shift of the event. I asked Sergeant Coleman for an officer to relieve Officer Gonzalez on scene to assist with scene security while Detective Lucas and the arson investigators conducted their investigation.

Casa Grande PD called back and advised they located an address in house on Escondido Rd in Casa Grande and advised they would send an officer by that location. Shortly after, I received a call from Officer Garcia with Casa Grande PD who advised he spoke with the residents at that address and they advised they have lived there for 6 years and didn't know anyone by that name. He conducted a search of their records and found an address for Daniel Widen in the PCSO jurisdiction north of Casa Grande and would go there to see if he could locate Nicole. This address was on Faldales Rd in the Indian Hills neighborhood on the northern Casa Grande border.

Officer Garcia called back a short time later and advised he made contact with Widen. Widen advised he and Nicole have a child in common, Chloe, who was currently at his residence. He advised he saw Nicole last night and advised if she wasn't home, she might be at her mother's residence within Casa Grande city limits and provided her address. He advised Nicole normally drives a black Chevy Equinox but that vehicle has been in the shop for the past week. He was allowing her to use the white Honda Accord registered to him while her car was being fixed. He advised Alexis and Paityn both had their own vehicles. He provided Officer Garcia with Alexis and Paityn's telephone numbers.

I contacted Fire Chief Dillon and Detective Lucas with the information I had collected thus far. Detective Lucas advised he obtained a search warrant and was going to the scene.

This concluded my involvement in this case thus far. No further information to report at this time.

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REPORTING OFFICER Aranda	DATE 06/12/2022	REVIEWED BY Hoffman, Alan	DATE 06/12/2022
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OF



COOLIDGE POLICE DEPARTMENT
FIELD CASE SUPPLEMENT REPORT

CASE# **2022-00010986**
 CONNECTED CASES **2022-**
 BOOKING # **2022-**

EVENT	REPORTED DATE/TIME 06/12/2022 03:51	OCCURRED INCIDENT TYPE Fire Structure		BWC: YES
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE	

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)						
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)						
	RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
	DL NUMBER/STATE		PRIMARY PHONE		PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)						
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)						
	RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
	DL NUMBER/STATE		PRIMARY PHONE		PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)						
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)						
	RACE		SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
	DL NUMBER/STATE		PRIMARY PHONE		PHONE #2		PHONE #3		

DOCUMENTS							
<input type="checkbox"/> LAB / EVIDENCE RPT	<input type="checkbox"/> CITATION	<input type="checkbox"/> DUI FORMS	<input type="checkbox"/> VICTIM RIGHTS	<input type="checkbox"/> PHOTOS			
<input type="checkbox"/> BOOKING SHEET	<input type="checkbox"/> STATEMENT FORM	<input type="checkbox"/> TOW SHEET	<input type="checkbox"/> CRASH REPORT	<input checked="" type="checkbox"/> OTHER			
REPORTING OFFICER Lucas		DATE 06/12/2022	REVIEWED BY Masterson, Jason E		DATE 06/22/2022		



COOLIDGE POLICE DEPARTMENT
FIELD CASE SUPPLEMENT REPORT

CASE# 2022-00010986

PRIMARY OFFENSE: Fire Structure

NARRATIVE

SUPPLEMENT

On 06/12/2022 my assistance was requested with this investigation. This investigation was the result of a structure fire that occurred at 701 W. Douglas Ave. within the City of Coolidge at approximately 0330 hours. Upon the arrival of Coolidge Police Officer's, and the Coolidge Fire Department, the fire was extinguished and the residence was cleared. During this time, the body of a female, later identified as Nicole Gustofson, was located in the back master bedroom. For further details refer to the initial report.

Once I received this information, I responded to the Coolidge Police Department where I drafted a search warrant requesting to make further entry into the home. I telephonically presented this search warrant to Honorable Rudy Lujan of the Oracle Justice Court, who authorized its execution and directed me to sign his name to the search warrant, and search warrant affidavit. This search warrant was later issued Search Warrant #J1105SW2022000009, and returned to the Oracle Justice Court.

At this same time, members of the Arson Investigators Task Force, and The Pinal County Medical Examiners Office were notified, and began responding to the scene. After obtaining the above mentioned search warrant, I responded to 701 W. Douglas Ave. where I began processing the scene along with the Pinal County Medical Examiner, and Members of the Arson Task Force. During processing photographs were taken, and later uploaded to the case file. While processing the scene, Alexis Salazar, who is the daughter of Nicole, and a resident of the home arrived on scene.

I spoke with Alexis regarding the occupants of the home, to determine their current whereabouts. Alexis stated she typically lives there with her Mom, Nicole, and her two Sisters, Paityn Kinne, and Chloe Widen. Alexis then explained last week she went on a trip to Mexico with Nicole, Paityn, and their Grandmother. Near the end of this trip there was an argument that turned into a physical confrontation over Nicole's drinking. After this confrontation, Paityn and Alexis decided to go stay with their grandmother, so she did not believe anyone besides Nicole should of been in the home. Alexis was able to make contact with Paityn, and Daniel Widen, the Father of Chloe who confirmed Chloe was currently with him.

Once it was determined there were no other occupants within the home, I advised Alexis that Nicole was located in the back master bedroom deceased. Alexis became very upset, and after a few moments began to calm down enough to continue with the interview. According to Alexis, Nicole would regularly wake up in the early morning hours, and smoke a cigarette on the front porch. Once done, she would put the cigarette butt in a wooden ash tray on a table that was positioned against the house. Also on this table were various candles to include one which burned using a type of liquid fuel. In addition to these candles,

REPORTING OFFICER Lucas	DATE 06/12/2022	REVIEWED BY Masterson, Jason E	DATE 06/22/2022
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OF



COOLIDGE POLICE DEPARTMENT

FIELD CASE SUPPLEMENT REPORT

CASE# 2022-00010986

NARRATIVE (continuation)

underneath this table there were multiple spray paint cans. Alexis further explained Nicole would randomly become "manic" and begin cleaning the house at random times, including the middle of the night. This cleaning also consisted of doing laundry. The laundry room was in the back of the carport area, near the hot water heater.

I assisted the Pinal County Medical Examiner with the processing of Nicole, who was then transported to the Pinal County Medical Examiners Office. Once Nicole was transported from the scene, I relayed the information from Alexis to the Arson Investigators. Bill Bruin of the Florence Fire Department requested Alexis complete a written statement regarding the details she provided to me. In addition they requested Alexis enter the scene to point out the various areas she had described. Alexis agreed to completing the written statement, and to enter the scene.

This statement was later placed into evidence at the Coolidge Police Department, and a copy was attached to the case file. An additional copy was provided to Bill Bruin with the Florence Fire Department.

Once the Arson Investigators were finished with their examination of the scene, all units cleared.

This case remains open, pending the findings of the Arson Investigator Task Force, and the Pinal County Medical Examiners Office.

REPORTING OFFICER

Lucas

DATE

06/12/2022

REVIEWED BY

Masterson, Jason E

DATE

06/22/2022

OF

NFIRS - 1
BASIC

A FDID State Incident Date Station Incident Number Exposure Delete Change

K1 Person/Entity Involved

Local Option Business Name (if applicable) Area Code Phone Number

Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State ZIP Code

K2 Owner Same as person involved? Then check this box and skip the rest of this block.

Local Option Business Name (if applicable) Area Code Phone Number

Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State ZIP Code

M Authorization

Check box if same as Officer in charge.

Officer in charge ID Signature Position or rank Assignment Month Day Year

Member making report ID Signature Position or rank Assignment Month Day Year

A	FDID 12042	State AZ	MM 06	DD 12	YYYY 2022	Station ST1	Incident Number 2022-00000975	Exposure 000	<input type="checkbox"/> Delete	<input type="checkbox"/> Change	NFIRS - 1 BASIC
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L Remarks

Local Option

C532, C531, E535, E532, L531 responded to a reported structure fire at the stated address. Upon arrival C532 reported heavy fire from the front of the structure and had E532 pull 2 preconnects to begin fire attack. E535 secured a water source and began supplying water to E532. E532 also used the deck gun to protect the structure to the west of the fire building. L531 arrived on scene and assisted with manpower. C531 arrived on scene and assumed command and instructed E532 crew to perform a search of this structure. E532 crew made access on the C side of the structure through a window. There were no occupants found in the room, so they proceeded to the adjacent room and found one fire fatality positioned between the bed and the dresser. The rest of the structure was not able to be accessed due to the amount of fire still present, so E532 crew exited the window they made access through. C531 called for mutual aid from Regional Fire and they sent E586 and C586 and they were used for manpower. There was a heavy amount of fire at the front of the structure and the carport area, as well as a car in the driveway, 2002 Honda Accord. See PD report 2022-010986.

C531 received reports of a live electrical wire in the backyard and SCIP was contacted to secure the electricity. SW Gas was also contacted to secure the gas and perform a pressure test. Once the fire was controlled C531 called for Pinal County Task Force to respond to assist with investigation to determine fire cause and the ATF was contacted as well. Phoenix ATF office sent one fire investigator to Coolidge to assist. Once the fire was out another search of the structure was performed and no other occupants were found. The scene was secured and CPD assigned a detective to assist with the death investigation.

The Arson Task Force began its investigation and narrowed the fire origin area to the carport area that connected to side D of the structure. Side A and D sustained the most extensive damage. CPD and Task Force members interviewed family members on scene and they advised that the occupant would regularly smoke in the carport area and dispose of her smoking materials in a wooden ashtray. Numerous flammable liquid containers were also found in the carport area. Family members also said that the carport was covered with a cloth shade over the top and the sides. Pinal County Medical Examiners office was called to secure the fatality and the report is pending toxicology results. See Arson Task Force Report

NFIRS - 1S
SUPPLEMENTAL

A

FDID	12042	State	AZ	MM	DD	YYYY	Station	Incident Number	Exposure	<input type="checkbox"/> Delete	<input type="checkbox"/> Change
	★		★	06	12	2022	ST1	2022-00000975	000		

K1 Person/Entity Involved

Local Option

Business Name (if applicable)

Area Code

Phone Number

Check this box if same address as incident location (Section B). then skip the three duplicate address lines.

Mr., Ms., Mrs.	First Name	M	Last Name	Suffix
	Nicole		Gustafson	
Number	Prefix	Street or Highway	Street Type	Suffix
Post Office Box	Apt./Suite/Room	City		
State	ZIP Code			

<p>I1 Structure Type ★</p> <p>If fire was in an enclosed building or a portable/mobile structure, complete the rest of this form.</p> <p>1 <input checked="" type="checkbox"/> Enclosed building →</p> <p>2 <input type="checkbox"/> Portable/mobile structure →</p> <p>3 <input type="checkbox"/> Open structure</p> <p>4 <input type="checkbox"/> Air-supported structure</p> <p>5 <input type="checkbox"/> Tent</p> <p>6 <input type="checkbox"/> Open platform (e.g., piers)</p> <p>7 <input type="checkbox"/> Underground structure (work areas)</p> <p>8 <input type="checkbox"/> Connective structure (e.g., fences)</p> <p>0 <input type="checkbox"/> Other type of structure</p>	<p>I2 Building Status ★</p> <p>1 <input type="checkbox"/> Under construction</p> <p>2 <input checked="" type="checkbox"/> In Normal Use</p> <p>3 <input type="checkbox"/> Idle, not routinely used</p> <p>4 <input type="checkbox"/> Under major renovation</p> <p>5 <input type="checkbox"/> Vacant and secured</p> <p>6 <input type="checkbox"/> Vacant and unsecured</p> <p>7 <input type="checkbox"/> Being demolished</p> <p>0 <input type="checkbox"/> Other</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>I3 Building Height ★</p> <p>Count the roof as part of the highest story.</p> <p><input type="text" value="1"/></p> <p>Total number of stories at or above grade</p> <p><input type="text" value="0"/></p> <p>Total number of stories below grade</p>	<p>I4 Main Floor Size ★</p> <p style="text-align: right;">NFIRS-3 STRUCTURE FIRE</p> <p style="text-align: right;">1,100</p> <p>Total square feet</p> <p style="text-align: center;">OR</p> <p><input type="text" value=""/> BY <input type="text" value=""/></p> <p>Length in feet Width in feet</p>
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<p>J1 Fire Origin ★</p> <p><input type="text" value="1"/> <input type="checkbox"/> Below grade</p> <p>Story of fire origin</p>	<p>J3 Number of Stories Damaged by Flame ★</p> <p>Count the roof as part of the highest story.</p> <p><input type="text" value="0"/> Number of stories w/minor damage (1 to 24% flame damage)</p> <p><input type="text" value="0"/> Number of stories w/significant damage (25 to 49% flame damage)</p> <p><input type="text" value="0"/> Number of stories w/heavy damage (50 to 74% flame damage)</p> <p><input type="text" value="1"/> Number of stories w/extreme damage (75 to 100% flame damage)</p>	<p>K Type of Material Contributing Most to Flame Spread</p> <p><input type="checkbox"/> Check if no flame spread OR if same as Material First Ignited (Block D4, Fire Module) OR if unable to determine. → <input type="checkbox"/> Skip to Section L</p> <p>K1 <input type="text" value="10"/> Structural component or item contributing most to flame spread</p> <p>K2 <input type="text" value="63"/> Sawn wood, including all</p> <p>Type of material contributing most to flame spread Required only if item contributing code is 00 or < 70.</p>
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<p>L1 Presence of Detectors ★</p> <p>(In area of the fire)</p> <p>N <input type="checkbox"/> None Present → <input type="checkbox"/> Skip to Section M</p> <p>1 <input type="checkbox"/> Present</p> <p>U <input checked="" type="checkbox"/> Undetermined</p>	<p>L3 Detector Power Supply</p> <p>1 <input type="checkbox"/> Battery only</p> <p>2 <input type="checkbox"/> Hardwire only</p> <p>3 <input type="checkbox"/> Plug-in</p> <p>4 <input type="checkbox"/> Hardwire with battery</p> <p>5 <input type="checkbox"/> Plug-in with battery</p> <p>6 <input type="checkbox"/> Mechanical</p> <p>7 <input type="checkbox"/> Multiple detectors & power supplies</p> <p>0 <input type="checkbox"/> Other</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>L5 Detector Effectiveness</p> <p>Required if detector operated.</p> <p>1 <input type="checkbox"/> Alerted occupants, occupants responded</p> <p>2 <input type="checkbox"/> Alerted occupants, occupants failed to respond</p> <p>3 <input type="checkbox"/> There were no occupants</p> <p>4 <input type="checkbox"/> Failed to alert occupants</p> <p>U <input type="checkbox"/> Undetermined</p>
<p>L2 Detector Type</p> <p>1 <input type="checkbox"/> Smoke</p> <p>2 <input type="checkbox"/> Heat</p> <p>3 <input type="checkbox"/> Combination smoke and heat</p> <p>4 <input type="checkbox"/> Sprinkler, water flow detection</p> <p>5 <input type="checkbox"/> More than one type present</p> <p>0 <input type="checkbox"/> Other</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>L4 Detector Operation</p> <p>1 <input type="checkbox"/> Fire too small to activate</p> <p>2 <input type="checkbox"/> Operated → <input type="checkbox"/> Complete Block L5</p> <p>3 <input type="checkbox"/> Failed to operate → <input type="checkbox"/> Complete Block L6</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>L6 Detector Failure Reason</p> <p>Required if detector failed to operate.</p> <p>1 <input type="checkbox"/> Power failure, shutoff, or disconnect</p> <p>2 <input type="checkbox"/> Improper installation or placement</p> <p>3 <input type="checkbox"/> Defective</p> <p>4 <input type="checkbox"/> Lack of maintenance, includes not cleaning</p> <p>5 <input type="checkbox"/> Battery missing or disconnected</p> <p>6 <input type="checkbox"/> Battery discharged or dead</p> <p>7 <input type="checkbox"/> Other</p> <p>U <input type="checkbox"/> Undetermined</p>

<p>M1 Presence of Automatic Extinguishing System ★</p> <p>N <input checked="" type="checkbox"/> None Present → <input type="checkbox"/> Complete rest of Section M</p> <p>1 <input type="checkbox"/> Present</p> <p>2 <input type="checkbox"/> Partial System Present</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>M3 Operation of Automatic Extinguishing System</p> <p>Required if fire was within designed range</p> <p>1 <input type="checkbox"/> Operated/effective (go to M4)</p> <p>2 <input type="checkbox"/> Operated/not effective (go to M4)</p> <p>3 <input type="checkbox"/> Fire too small to activate</p> <p>4 <input type="checkbox"/> Failed to operate (go to M5)</p> <p>0 <input type="checkbox"/> Other</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>M5 Reason for Automatic Extinguishing System Failure</p> <p>Required if system failed or not effective</p> <p>1 <input type="checkbox"/> System shut off</p> <p>2 <input type="checkbox"/> Not enough agent discharged</p> <p>3 <input type="checkbox"/> Agent discharged but did not reach fire</p> <p>4 <input type="checkbox"/> Wrong type of system</p> <p>5 <input type="checkbox"/> Fire not in area protected</p> <p>6 <input type="checkbox"/> System components damaged</p> <p>7 <input type="checkbox"/> Lack of maintenance</p> <p>8 <input type="checkbox"/> Manual intervention</p> <p>0 <input type="checkbox"/> Other</p> <p>U <input type="checkbox"/> Undetermined</p>
<p>M2 Type of Automatic Extinguishing System</p> <p>Required if fire was within designed range of AES</p> <p>1 <input type="checkbox"/> Wet-pipe</p> <p>2 <input type="checkbox"/> Dry-pipe sprinkler</p> <p>3 <input type="checkbox"/> Other sprinkler system</p> <p>4 <input type="checkbox"/> Dry chemical system</p> <p>5 <input type="checkbox"/> Foam system</p> <p>6 <input type="checkbox"/> Halogen-type system</p> <p>7 <input type="checkbox"/> Carbon dioxide (CO2) system</p> <p>0 <input type="checkbox"/> Other special hazard system</p> <p>U <input type="checkbox"/> Undetermined</p>	<p>M4 Number of Sprinkler Heads Operating</p> <p>Required if system operated</p> <p><input type="text" value=""/></p> <p>Number of sprinkler heads operating</p>	

A FDID 12042 AZ State Incident Date 06 12 2022 ST1 Station Incident Number 2022-00000975 Exposure 000 Delete Change

NFIRS-4 Civilian Fire Casualty

B Injured Person Gender 1 Male 2 Female

First Name: Nicole MI: Last Name: Gustafson Suffix: Casualty Number: 001

D Age or Date of Birth Months (for infants) Age OR Date of Birth 11 16 1977

E1 Race
 1 White
 2 Black, African American
 3 Am. Indian, Alaska Native
 4 Asian
 5 Native Hawaiian, Other Pacific Islander
 0 Other, multiracial
 U Undetermined

E2 Ethnicity
 1 Hispanic or Latino
 0 Non Hispanic or Latino

F Affiliation
 1 Civilian
 2 EMS, not fire department
 3 Police
 0 Other

G Date and Time of Injury Midnight is 0000.
 Date of Injury: 06 12 2022 Time of Injury: 0351
 Month Day Year Hour Minute

H Severity Minor
 Moderata
 Severe
 Life threatening
 Death
 U Undetermined

I Cause of Injury

- 1 Exposed to fire products including flame heat, smoke, and gas.
- 2 Exposed to toxic fumes other than smoke
- 3 Jumped in escape attempt
- 4 Fell, slipped, or tripped
- 5 Caught or trapped
- 6 Structural collapse
- 7 Struck by or contact with object
- 8 Overexertion or strain
- 9 Multiple causes
- 0 Other
- U Undetermined

J Human Factors Contributing to Injury None

Check all applicable boxes

- 1 Asleep
- 2 Unconscious
- 3 Possibly impaired by alcohol
- 4 Possibly impaired by other drug
- 5 Possibly mentally disabled
- 6 Physically disabled
- 7 Physically restrained
- 8 Unattended person

K Factors Contributing to Injury None

Enter up to three contributing factors

10 Egress problem; other
Contributing factor (1)

Contributing factor (2)

Contributing factor (3)

L Activity When Injured

- 1 Escaping
- 2 Rescue attempt
- 3 Fire control
- 4 Return to fire before control
- 5 Return to fire after control
- 6 Sleeping
- 7 Unable to act
- 8 Irrational act
- 0 Other
- U Undetermined

M1 Location at Time of Incident

- 1 In area of origin and not involved
- 2 Not in area of origin and not involved
- 3 Not in area of origin, but involved
- 4 In area of origin and involved
- 0 Other Location
- U Undetermined

M2 General Location at Time of Injury

- 1 In area of fire origin Skip to Section N
- 2 In building, but not in area
- 3 Outside, but not in area Skip to Block M5
- U Undetermine

M3 Story at Start of Incident
 Complete ONLY if injury occurred INSIDE
 Story at start of incident: 1 Below grade

M4 Story Where Injury Occurred
 Story where injury occurred, if different from M3: 1 Below grade

M5 Specific Location at Time of Injury
 Complete ONLY if casualty NOT in area of origin
 21 Bedroom - < 5 persons; inc
 Specific location at time of injury

N Primary Apparent Symptom

- 01 Smoke only, asphyxiation
- 11 Burns and smoke inhalation
- 12 Burns only
- 21 Cut, laceration
- 33 Strain or sprain
- 96 Shock
- 98 Pain only

Look up a code only if the symptom is NOT found above

Primary apparent symptom

O Primary Area of Body Injured

- 1 Head
- 2 Neck and shoulder
- 3 Thorax
- 4 Abdomen
- 5 Spine
- 6 Upper extremities
- 7 Lower extremities
- 8 Internal
- 9 Multiple body parts

P Disposition
 Transported to emergency care facility

Remarks Local option

NFIRS - 9

APPARATUS OR RESOURCES

A FDID: 12042 State: AZ Incident Date: MM 06 DD 12 YYYY 2022 Station: ST1 Incident Number: 2022-00000975 Exposure: 000 Delete Change

B Apparatus or Resources <small>Use codes listed below</small>	Dates and Times <small>Check if same date as Alarm date on the Base Module (Block E1)</small>					Midnight is 0000	Sent	Number of People	Apparatus Use <small>Check ONE box for each apparatus to indicate its main use at this incident</small>	Actions Taken <small>List up to 4 actions for each apparatus</small>	
	Dispatch	Arrival	Clear	Month	Day						Year
1 ID CAR53 ★ Type 92	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06	12	2022	0411	<input checked="" type="checkbox"/>	01	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	81
2 ID CAR53 ★ Type 92	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06	12	2022	0357 0405	<input checked="" type="checkbox"/>	01	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	81
3 ID E532 ★ Type 11	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06	12	2022	0401 0408	<input checked="" type="checkbox"/>	02	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	11
4 ID E535 ★ Type 11	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06	12	2022	0406 0415 0750	<input checked="" type="checkbox"/>	01	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	76
5 ID L531 ★ Type 12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06	12	2022	0436 0449 0558	<input checked="" type="checkbox"/>	01	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	73
6 ID ★ Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input checked="" type="checkbox"/>		<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
7 ID ★ Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input checked="" type="checkbox"/>		<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
8 ID ★ Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input checked="" type="checkbox"/>		<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
9 ID ★ Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input checked="" type="checkbox"/>		<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	

Apparatus or Resource Type Ground Fire Suppression 11 Engine 12 Truck or aerial 13 Quint 14 Tanker and pumper combination 16 Brush truck 17 ARFF (aircraft rescue and firefighting) 10 Ground fire suppression, other Heavy Ground Equipment 21 Dozer or plow 22 Tractor 24 Tanker or tender 20 Heavy ground equipment, other	Aircraft 41 Aircraft: fixed-wing tanker 42 Helitanker 43 Helicopter 40 Aircraft, other Marine Equipment 51 Fire boat with pump 52 Boat, no pump 53 Marine equipment, other Support Equipment 61 Breathing apparatus support 62 Light and air unit 60 Support apparatus, other	Medical and Rescue 71 Rescue unit 72 Urban search and rescue unit 73 High-angle rescue unit 75 BLS unit 76 ALS unit 70 Medical and rescue unit, other Other 91 Mobile command post 92 Chief officer car 93 HazMat unit 94 Type 1 hand crew 95 Type II hand crew 99 Privately owned vehicle 00 Other apparatus / resources	More Apparatus? Use additional NN None UU Undetermined
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A

FDID: 12042 State: AZ Incident Date: MM 06 DD 12 YYYY 2022 Station: ST1 Incident Number: 2022-00000975 Exposure: 000 Delete Change

NFIRS - 10 PERSONNEL

B Apparatus or Resources Use codes listed below

Dates and Times Check if same date as Alarm date on the Basic Module (Block E1)

Month Day Year Hour / Min

Midnight is 0000

Sent

Number of People

Apparatus Use Check ONE box for each apparatus to indicate its main use at this incident

Actions Taken List up to 4 actions for each apparatus

1 ID: CAR53 Type: 92

Dispatch 06 12 2022 0411

Arrival 06 12 2022 0417

Clear 06 12 2022 1155

Personnel ID: 0179 Name: Mark Dillon Rank or Grade: Fire Chief

Attend Action Taken: 81

Apparatus Use: Suppression EMS Other

Actions Taken: 81

2 ID: CAR53 Type: 92

Dispatch 06 12 2022 0357

Arrival 06 12 2022 0405

Clear 06 12 2022 1314

Personnel ID: 0002 Name: Ted McHugh Rank or Grade: Assistant

Attend Action Taken: 81

Apparatus Use: Suppression EMS Other

Actions Taken: 81

3 ID: E532 Type: 11

Dispatch 06 12 2022 0401

Arrival 06 12 2022 0408

Clear 06 12 2022 1155

Personnel ID: 0327 Name: Logan Mayo Rank or Grade: Fire Staff

Personnel ID: 0001 Name: Matt Mayo Rank or Grade: Fire-Capta

Attend Action Taken: 11

Attend Action Taken: 11

Apparatus Use: Suppression EMS Other

Actions Taken: 11

4 ID: E535 Type: 11

Dispatch 06 12 2022 0406

Arrival 06 12 2022 0415

Clear 06 12 2022 0750

Personnel ID: 2782 Name: Cody Heet Rank or Grade: Fire Staff

Attend Action Taken: 76

Apparatus Use: Suppression EMS Other

Actions Taken: 76

5 ID: E531 Type: 12

Dispatch 06 12 2022 0436

Arrival 06 12 2022 0449

Clear 06 12 2022 0558

Personnel ID: 0011 Name: Kolby Cutrer Rank or Grade: Fire Staff

Attend Action Taken: 73

Apparatus Use: Suppression EMS Other

Actions Taken: 73

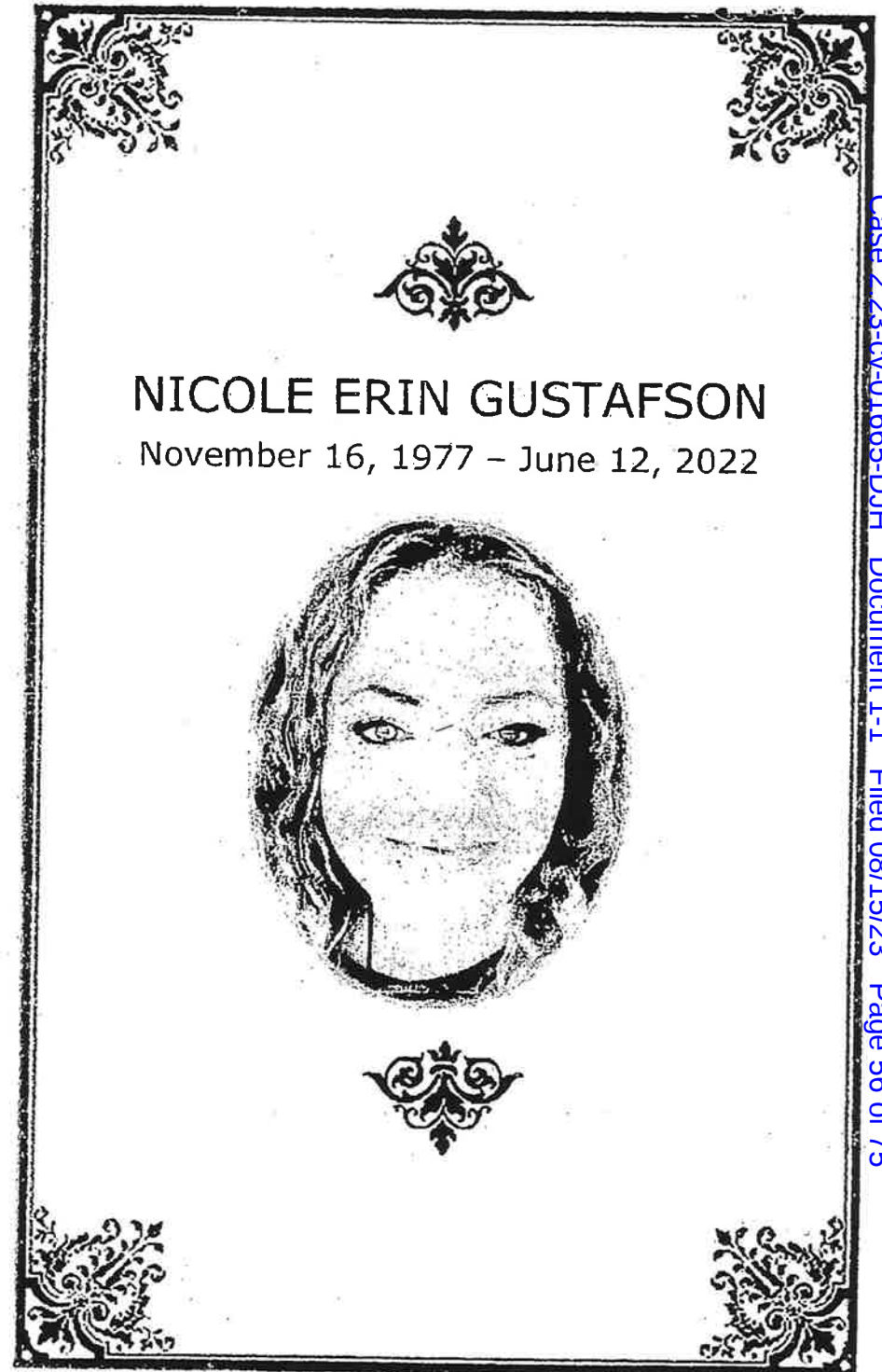
ACKNOWLEDGEMENT

The family of Niki Gustafson wishes to express our sincere thanks for the prayers, cards, flowers, food, and other expressions of love during our time of bereavement.



RECEPTION

There will be a reception with a light lunch at CrossRoads Church 3151 N Piper Ave in Casa Grande right after the graveside service.

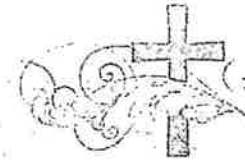


NICOLE ERIN GUSTAFSON

November 16, 1977 - June 12, 2022



Obituary



Nicole "Niki" Gustafson, 44, of Coolidge died on June 12, 2022, at home. Ms. Gustafson was born in Scottsdale to David and Catherine Gustafson on Nov. 16, 1977, which was her grandfather Noel Martin's birthday. That made her very special to her grandparents. She was a lifelong resident of Pinal County, most recently residing in Coolidge. She attended Casa Grande Union High School.

Niki was mother to three beautiful daughters. She cherished her girls and they cherished her. Her daughters thought of her more as a friend than a mother. She was a free spirit, always ready for an adventure, forever young at heart and never took life too seriously. She always joked that she was just a hippie born too late. She loved growing plants and flowers and having bright colors everywhere.

Niki avidly photographed everything and left her daughters numerous pictures and videos of their lives together, the places they had been and things they had done. She also loved social media, especially posting her pictures. She loved the people in her life and reconnecting with old friends and distant relatives through social media. Hearing from an old friend or relative always gave her such a thrill.

Survivors include her daughters, Alexis Salazar, Paityn Kinne and Chloe Widen of Casa Grande; her parents, of Casa Grande; two brothers, Martin Gustafson of Casa Grande and Kenny Gustafson of Arizona City; and her grandfather Allan Gustafson. She was preceded in death by grandparents, Noel and Evelyn Martin and Betty Gustafson.

Celebration of Niki's Life

Welcome and Prayer.....Pastor Ric Felder

"Cows on the Hill" Jay Unger & Molly Mason

Family Memories.....

Video Presentation.....

"Hand in My Pocket" Alanis Morissette
"Hotel California" Eagles
"Everything I Wanted" Billie Eilish

Message.....Pastor Lynn Adams

Recessional.....Music

"Stolen Dance" Milky Chance

Graveside service immediately following at
Mountain View Cemetery.

John 14:6

I am leaving you with a gift--peace of mind and heart. And the peace I give is a gift the world cannot give. So don't be troubled or afraid. (NIV)

DAVID GUSTAFSON and Mel Linda Helmick— Proper

9585 North Signal Peak Road

Coolidge Az 85128

Telephone - 520-723-3791

Email. 9585Dag@gmail.com

FILED
REBECCA PADILLA
CLERK OF SUPERIOR COURT
2023 JUN -6 PM 4:08
BY MG
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

DAVID GUSTAFSON, individually and as personal representative of NICOLE GUSTAFSON, Deceased and Mel Linda Helmick, homeowner

Plaintiffs,

vs.

TOWN OF COOLIDGE, a municipal corporation, CITY OF COOLIDGE FIRE DEPARTMENT AND OR FIRE DISTRICT, AND JOHN DOES and JANE DOES I-V; BLACK & WHITE PARTNERSHIPS I-V, BLACK & WHITE CORPORATIONS I-V,

Defendants.

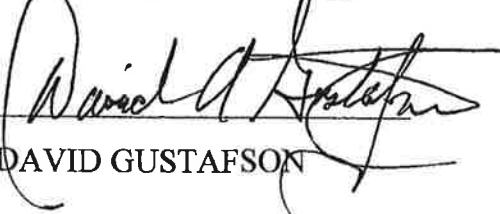
Case No CV2023-01125


CERTIFICATE RE
COMPULSORY
ARBITRATION

JOSEPH R. GEORGINI

PURSUANT TO RULE 78, PLAINTIFFS assert that this case is not subject to compulsory arbitration.

Dated this 5 day of June, 2023


DAVID GUSTAFSON


Mel Linda Helmick

DAVID GUSTAFSON and Mel Linda Helmick– Pro per
9585 North Signal Peak Road
Coolidge Az 85128
Telephone - 520-723-3791
Email. 9585Dag@gmail.com

BY: *me*
10:59 am

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

DAVID GUSTAFSON, individually and as
personal representative of NICOLE
GUSTAFSON, Deceased and Mel Linda
Helmick, homeowner

Plaintiffs,

vs.

TOWN OF COOLIDGE, a municipal
corporation, CITY OF COOLIDGE FIRE
DEPARTMENT AND OR FIRE DISTRICT, AND
JOHN DOES and JANE DOES I-V; BLACK &
WHITE PARTNERSHIPS I-V*, BLACK & WHITE
CORPORATIONS I-V,

Defendants.

Case No CV2023-01125

SUMMONS

JOSEPH R. GEORGINI

THE STATE OF ARIZONA TO THE DEFENDANTS: CITY OF COOLIDGE FIRE
DEPARTMENT AND OR FIRE DISTRICT,

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time
applicable, in this action in this Court. If served within Arizona, you shall appear and
defend within twenty (20) days after the service of the Summons and Complain upon you,
If service is made outside of Arizona or by registered or certified mail, or by publication

— you shall appear and defend within thirty (30) days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time provided, judgment by default will be rendered against you for the relief demanded in the Complaint. RCP 4(b).

You must file an Answer or proper response in writing with the Clerk of the Court accompanied by the necessary filing fee, within the time required, and you are require to service a copy of any Answer or response upon the Plaintiff.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding.

THE PLAINTIFF'S ADDRESS AND TELEPHONE NUMBER IS:

PRO PER PLAINTIFF

DAVID GUSTAFSON and Mel Linda Helmick— Pro per

9585 North Signal Peak Road

Coolidge Az 85128

Telephone - 520-723-3791

Email. 9585Dag@gmail.com

Dated : 8-16-23

REBECCA PADILLA
Clerk of the Court

By: _____

MARIA GUTIERREZ
Deputy Clerk

The seal of the Superior Court of Pinal County, Arizona, is circular. It features the text "PINAL CO. ARIZONA" around the top inner edge and "SUPERIOR COURT" around the bottom inner edge. In the center, there is a stylized emblem. The name "MARIA GUTIERREZ" is written across the seal, and "Deputy Clerk" is written below it.

Pinal Court Messenger Service
P. O. Box 2989
Florence, Arizona 82132
(520) 709-5751

FILED
REBECCA PADILLA
CLERK OF SUPERIOR COURT

2023 JUL 18 AM 10:42

Invoice #:
BY _____ MP
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PINAL

DAVID GUSTAFSON, INDIVIDUALLY and as personal representative of NICOLE GUSTAFSON, Deceased and Mel Linda Helmick, homeowner
PLAINTIFFS,
VS.
TOWN OF COOLIDGE, a municipal corporation, CITY OF COOLIDGE FIRE DEPARTMENT AND OR FIRE DISTRICT, AND JOHN DOES and JANE DOES 1-V; BLACK & WHITEPARTNERSHIPS 1-5, BLACK & WHITE CORPORATIONS 1-5,
DEFENDANTS.

Case Number CV2023-01125

Affidavit of Service of Process
By a Private Person

Documents: SUMMONS, COMPLAINT, CERTIFICATE RE COMPULSORY ARBITRATION

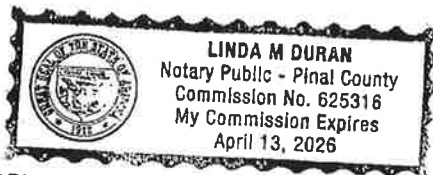
-Date Received: 7-11-23 File number:
Received From: DAVID GUSTAFSON & MEL LINDA HELMICK, PRO PERS

UPON: CITY OF COOLIDGE CITY MANAGER RICK MILLER, BY LEAVING A TRUE COPY OF EACH WITH MARIAH COCOVA, ACCOUNTING CLERK, WHO IS AUTHORIZED TO ACCEPT, WHILE AT 130 W. CENTRAL, COOLIDGE, ARIZONA ON 7-14-23 AT THE HOUR OF 11:02 A.M. OF SAID DATE.

Tom J. Rankin
Tom J. Rankin
Affiant authorized under A.R.C.P. 4 to serve legal papers in the above matter. Certified in Pinal County PN20130007

Linda M. Duran
Notary Public - s/
Subscribed and sworn to before me on:
My Commission expires: 4/13/2026

\$ 10.00 Service
Mileage Attempt
.500 Mileage
RUSH
20.00 Notary and Surcharge



CONFORMED COPY FURNISHED

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P. O. Box 2989
Florence, Arizona 82132
(520) 709-5751

FILED
REBECCA PADILLA
CLERK OF SUPERIOR COURT

2023 JUL 18 AM 10:41

MP

BY Invoice #:
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PINAL

DAVID GUSTAFSON, INDIVIDUALLY and as personal representative of NICOLE GUSTAFSON, Deceased and Mel Linda Helmick, homeowner
PLAINTIFFS,
VS.
TOWN OF COOLIDGE, a municipal corporation, CITY OF COOLIDGE FIRE DEPARTMENT AND OR FIRE DISTRICT, AND JOHN DOES and JANE DOES 1-V; BLACK & WHITEPARTNERSHIPS 1-5, BLACK & WHITE CORPORATIONS 1-5,
DEFENDANTS.

Case Number CV2023-01125

Affidavit of Service of Process
By a Private Person

Documents: SUMMONS, COMPLAINT, CERTIFICATE RE COMPULSORY ARBITRATION

-Date Received: 7-11-23 File number:
Received From: DAVID GUSTAFSON & MEL LINDA HELMICK, PRO PERS

UPON: CITY OF COOLIDGE FIRE CHIEF MARK DILLON, BY LEAVING A TRUE COPY OF EACH WITH MARIAH COCOVA, ACCOUNTING CLERK, WHO IS AUTHORIZED TO ACCEPT, WHILE AT 130 W. CENTRAL, COOLIDGE, ARIZONA ON 7-14-23 AT THE HOUR OF 11:02 A.M. OF SAID DATE.

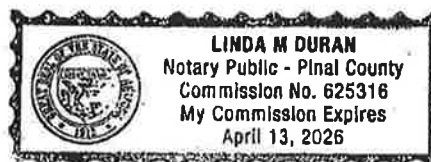
Tom J Rankin

Tom J. Rankin
Affiant authorized under A.R.C.P. 4 to serve legal papers in the above matter. Certified in Pinal County PN20130007

Linda M. Duran

Notary Public - s/
Subscribed and sworn to before me on:
My Commission expires: 4/13/2026

\$ 10.00 Service
Mileage Attempt
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20.00 Notary and Surcharge



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P. O. Box 2989
Florence, Arizona 82132
(520) 709-5751

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REBECCA PADILLA
CLERK OF SUPERIOR COURT

2823 JUL 18 AM 10:42

Invoice #:
BY _____ MP
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF PINAL

DAVID GUSTAFSON, INDIVIDUALLY and as personal representative of NICOLE GUSTAFSON, Deceased and Mel Linda Helmick, homeowner
PLAINTIFFS,
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TOWN OF COOLIDGE, a municipal corporation, CITY OF COOLIDGE FIRE DEPARTMENT AND OR FIRE DISTRICT, AND JOHN DOES and JANE DOES 1-V; BLACK & WHITE PARTNERSHIPS 1-5, BLACK & WHITE CORPORATIONS 1-5,
DEFENDANTS.

Case Number CV2023-01125

Affidavit of Service of Process
By a Private Person

Documents: SUMMONS, COMPLAINT, CERTIFICATE RE COMPULSORY ARBITRATION

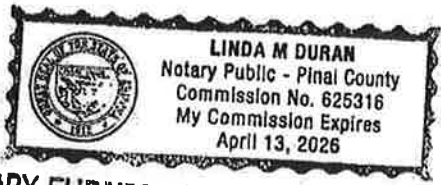
-Date Received: 7-11-23 File number:
Received From: DAVID GUSTAFSON & MEL LINDA HELMICK, PRO PERS

UPON: CITY OF COOLIDGE CITY MANAGER RICK MILLER, BY LEAVING A TRUE COPY OF EACH WITH MARIAH COCOVA, ACCOUNTING CLERK, WHO IS AUTHORIZED TO ACCEPT, WHILE AT 130 W. CENTRAL, COOLIDGE, ARIZONA ON 7-14-23 AT THE HOUR OF 11:02 A.M. OF SAID DATE.

Tom J. Rankin
Tom J. Rankin
Affiant authorized under A.R.C.P. 4 to serve legal papers in the above matter. Certified in Pinal County PN20130007

Linda M. Duran
Notary Public - s/
Subscribed and sworn to before me on:
My Commission expires: 4/13/2026

\$ 10.00 Service
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20.00 Notary and Surcharge



CONFIRMED COPY FURNISHED

FILED
Rebecca Padilla
CLERK, SUPERIOR COURT
08/01/2023 12:30PM
BY: RPERRONE
DEPUTY

1 **JELLISON & ROBENS, PLLC**
2 18801 North Thompson Peak Parkway
3 Suite D235
4 Scottsdale, AZ 85255
5 Telephone: (480) 659-4244, ext. 2
6 Facsimile: (480) 659-4255

7 E-mail: jim@jrlawaz.com
8 JAMES M. JELLISON, ESQ. #012763

9 E-mail : mark@jrlawaz.com
10 MARK J. ROBENS, ESQ., #007213

11 E-mail: rodney@jrlawaz.com
12 RODNEY F.W. STATES, ESQ., #032444

13 *Attorney for Defendants City of Coolidge and City of Coolidge Fire Department*

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

15 **IN AND FOR THE COUNTY OF PINAL**

16 David Gustafson, individually and as
17 personal representative of Nicole Gustafson
18 (deceased), as Mel Linda Helmick,
19 homeowner,

20 Plaintiffs,

21 vs.

22 Town of Coolidge, a municipal corporation,
23 City of Coolidge Fire Department and/or
24 Fire District, and John Does and Jan Does
25 I—V, Black and White Partnerships I—V,
26 and Black and White Corporations I—V,

Defendants.

Case No.: CV2023-01125

**DEFENDANTS CITY OF COOLIDGE
AND CITY OF COOLIDGE FIRE
DEPARTMENT’S MOTION TO
EXTEND DEADLINE TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFFS’ COMPLAINT**

Hon. Joseph R. Georgini

Defendants City of Coolidge and Coolidge Fire Department (referred to individually below and also collectively as the “**Defendants**”), through undersigned counsel, hereby request an 11-day extension of time, extending to August 14, 2023, to answer or respond otherwise to Plaintiffs’ Complaint. Defendants have made diligent efforts to contact Plaintiffs via telephone and email to

1 confer pursuant to Ariz.R.Civ.P. Rules 12(j) and 7.1(h) and Pinal County Superior Court Local
2 Rule 2.2(f), but Defendants have not been able to reach or communicate with Plaintiffs to date.
3 Defendants' efforts seeking alternative contact information for Plaintiffs resulted in Defendants
4 obtaining Plaintiff Helmick's telephone number and email address, but Plaintiff Helmick has also
5 failed to respond to Defendants requests for contact and communication to discuss the issues.
6 Defendants have also attempted to contact Plaintiff Gustafson via email and have left phone
7 messages for him and he has failed to contact Defense Counsel though repeatedly requested to do
8 so.

9 Pursuant to Ariz.R.Civ.P. Rule 7.1(a), this Motion is accompanied by a Memorandum of
10 Points and Authorities in support of Defendants' request.

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. STANDARD**

13 Arizona Rule of Civil Procedure 12, Subsection (j), requires Defendants to include a
14 certificate of good faith consultation before Defendants can file their responsive pleading.
15 Defendants have made diligent efforts to contact Plaintiffs via telephone and email to confer, but
16 have been unable to reach or communicate with either Plaintiff. In short, Defendants have made
17 diligent and persistent efforts to contact and consult with Plaintiffs without success.

18 Rule 12(a)(1)(A)(i) requires Defendants file their responsive pleading by August 3, 2023.
19 Defendants respectfully ask for an additional 11 days, extending to August 14, 2023, to engage in
20 further efforts to contact and confer with Plaintiffs to resolve Defendants' issues with their
21 Complaint, before Defendants are required to answer or otherwise respond to the Complaint.
22

23 Neither Rule 12 nor related case law prohibit granting Defendants' request. In fact,
24 applicable jurisprudence supports granting additional time under similar circumstances. For
25 example, a court may extend the time for filing a responsive pleading even when a defendant
26 failed to request an extension and failed to timely respond to the complaint, but their delay was

1 occasioned by excusable neglect. *Huff v. Flynn*, 48 Ariz. 175, 177 (1936) (defendant’s failure to
2 answer complaint while awaiting judgment on pending “motion for security for costs” constituted
3 excusable neglect under the circumstances); *see also Beltran v. Roll*, 39 Ariz. 417, 420, 423
4 (1932).

5 Here, Defendants do *not* ask for acceptance of an excuse after the fact; rather, Defendants
6 prospectively request additional time as necessary to comply with the obligatory conferral
7 procedure and confirm, after such good faith consultation with Plaintiffs, the proper scope and
8 substance of Defendants’ responsive pleading. As is sometimes occasioned by *in propria persona*
9 complaints, clarification regarding claims alleged is desirable in order to properly respond to and
10 ultimately resolve Defendants’ concerns regarding Plaintiffs’ allegations and clarification relating
11 thereto. *See, e.g.*, 28 U.S.C. § 1915a (Screening of pro per prisoner civil complaints).

12 **II. CONCLUSION**

13 Defendants respectfully submit that an 11-day extension of time will allow for Defendants
14 to locate Plaintiffs and confer as required by the Local Rule prior to the filing of Defendants’
15 answer or other Response to Plaintiffs’ Complaint. A proposed order accompanies this Motion.
16 This Motion is made in good faith and not for the purpose of undue delay.
17

18 RESPECTFULLY SUBMITTED this 1st day of August 2023.
19

20 JELLISON & ROBENS, PLLC

21 By: /s/ Mark J. Robens

22 James M. Jellison

23 Mark J. Robens

24 Rodney States

25 *Attorneys for Defendants City of Coolidge and City*
26 *of Coolidge Fire Department*

CERTIFICATE OF FILING AND SERVICE

1 I hereby certify that on August 1, 2023, I electronically transmitted the attached
2 document to the Clerk's office TurboCourt for filing, with U.S. mail service to the following:

3 David Gustafson and Mel Linda Helmick

4 9585 N. Signal Peak Rd.

5 Coolidge, AZ 85128

6 P: (520) 723-3791

7 E: 9585Dag@gmail.com

8 *Plaintiffs Pro Per*

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26
s/ Valerie Hall

FILED
Rebecca Padilla
CLERK, SUPERIOR COURT
08/04/2023 2:20PM
BY: RPERRONE
DEPUTY

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

David Gustafson, individually and as
personal representative of Nicole Gustafson
(deceased), as Mel Linda Helmick,
homeowner,

Plaintiffs,

vs.

Town of Coolidge, a municipal corporation,
City of Coolidge Fire Department and/or Fire
District, and John Does and Jan Does I—V,
Black and White Partnerships I—V, and
Black and White Corporations I—V,

Defendants.

Case No.: CV2023-01125

ORDER
EXTENSION OF TIME TO RESPOND

Pursuant to Defendants City of Coolidge and Coolidge Fire Department’s request for an
11-day extension of time to answer or otherwise respond to Plaintiffs’ Complaint, and with good
cause appearing,

IT IS HEREBY GRANTED, Defendants have until August 14, 2023 to answer or
otherwise respond to Plaintiffs’ Complaint.

*Signed by THE HON JOSE PHILIP OF ORIZON 08/04/2023 13:49:18 YEF:rbw2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">David Gustafson and Mel Linda Helmick</p> <p>(b) County of Residence of First Listed Plaintiff <u>Pinal</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p style="text-align: center;">James M. Jellison, 18801 N. Thompson Peak Parkway Scottsdale, AZ 85255 (480) 621-6149</p>	<p style="text-align: center;">DEFENDANTS</p> <p style="text-align: center;">Town of Coolidge, City of Coolidge Fire Department, et al.</p> <p>County of Residence of First Listed Defendant <u>Pinal</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p> <p style="text-align: center;">Plaintiffs pro per</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions			
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS		
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		SOCIAL SECURITY		
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 485 Telephone Consumer Protection Act	
			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat TV	
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 896 Arbitration	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition			
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Violation of 42 U.S.C. S 1983

Brief description of cause:
 Alleged Monell violation.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 2,000,000 CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE August 14, 2023 SIGNATURE OF ATTORNEY OF RECORD James M. Jellison, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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

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

Additional sheets may be used as necessary.

1. Style of the Case:

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

<u>Party</u>	<u>Party Type</u>	<u>Attorney(s)</u>
David Gustafson, individually and as personal representative of Nicole Gustafson (deceased) and Mel Linda Helmick, homeowner	Plaintiffs	Plaintiffs pro per
Town of Coolidge, a municipal corporation, City of Coolidge Fire Department and/or Fire District, and John Does and Jane Does I - V, Black and White Partnerships I - V, and Black and White Corporations I - V	Defendants	James M. Jellisons, Esq. Mark J. Robens, Esq. 18801 N. Thompson Peak Parkway Suite D235 Scottsdale, AZ 85255

2. Jury Demand:

Was a Jury Demand made in another jurisdiction? Yes No

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

3. Answer:

Was an Answer made in another jurisdiction? Yes No

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

4. Served Parties:

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

<u>Party</u>	<u>Date Served</u>	<u>Method of Service</u>
Town of Coolidge and City of Coolidge Fire Department	July 14, 2023	Personal service.

5. Unserved Parties:

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

<u>Party</u>	<u>Reason Not Served</u>
N/A	

6. Nonsuited, Dismissed or Terminated Parties:

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

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

7. Claims of the Parties:

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

<u>Party</u>	<u>Claims</u>
Plaintiffs	Claim Monell violations with respect to proper training.

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