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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

MORGAN SLADE on her own behalf
and on behalf of the statutory
beneficiaries of JAMES “KYLE”
SLADE,

Plaintiff,

v.

LIFEPOINT HEALTH, INC., a foreign
corporation; LIFEPOINT
BEHAVIORAL HEALTH SERVICES,
LLC, a foreign LLC doing business as
COPPER SPRINGS EAST; COPPER
SPRINGS HOSPITAL, LLC, a foreign
LLC; JASON BATES, RN, and JANE
DOE BATES, husband and wife ;
CYNTHIA JOHNSON, RN, and JOHN
DOE JOHNSON, husband and wife;
NURSEIO, INC. a domestic corporation;
KHALID SALIM KHAN, M.D., and
JANE DOE KHAN, husband and wife;
AURORA BEHAVIORAL
HEALTHCARE-TEMPE, LLC,
domestic LLC; ROSE PSYCHIATRY,
PLC, a domestic professional LLC; ROE
ENTITIES I-X; and DOES I-XX,

Defendants.

No. CV2025-036882

FIRST AMENDED COMPLAINT

(Assigned to the Hon. Scott Minder)

1 No Answer having been filed, Plaintiff Morgan Slade on her own behalf and on
2 behalf of the statutory beneficiaries of James “Kyle” Slade files her First Amended
3 Complaint and alleges as follows:

4 **INTRODUCTION**

5 *The Staff at Copper Springs East Kills Kyle Slade*

6 1. At 6:40 am on September 28, 2025, James “Kyle” Slade went to the nurse’s station
7 at Copper Springs East for his morning medications. Copper Springs East is a mental
8 health facility, and Kyle, an honest, law-abiding, hard-working man and assistant high
9 school football coach with a wife and four kids, admitted himself three days earlier for
help with depression.

10 2. Defendant Jason Bates, RN, who upon information and belief was neither a
11 psychiatric nurse nor a regular employee, but there for the day from temp agency
12 Defendant Nurseio, called out the name “James” and said nothing else; Defendant Bates
13 did not announce a last name, a date of birth, or the medication he was handing out.

14 3. Defendant Bates announcing only a first name in dispensing medication was a
15 negligent act and violation of the nursing standard of care.

16 4. Kyle—whose given name is “James”—responded to Defendant Bates, and
17 Defendant Bates handed him a cup of pills. Kyle swallowed them. It was not the
18 antidepressant Lexapro that Kyle was supposed to receive; it was 90 milligrams of
methadone.

19 5. Defendant Bates’ handwritten note reads:

20
21 This RN gave medication to the wrong patient. 90 mg Methadone was
22 given to James S. The patient swallowed the pills instead of letting
23 them dissolve. House Supervisor and Dr. Khan notified. The patient
24 was notified and vitals were checked. The patient and on coming RN
25 were made aware as well.

26 (See Exhibit A attached hereto.)

1 6. For an opioid naïve man like Kyle, only 30 milligrams of methadone can be a fatal
2 dose.

3 7. Methadone toxicity does not peak for several hours, so Kyle seemed at first to be
4 unaffected by the fatal dose of methadone.

5 8. Any psychiatric nurse, or any nurse properly trained to work in and dispense
6 medications at a mental health facility, would know it takes time for methadone in pill
7 form to enter the blood stream.

8 9. Defendant Bates should have sent Kyle directly to the Mercy Gilbert Medical
9 Center emergency department, which was only one-half mile away. Instead, he waited 37
10 minutes before doing anything, and instead of calling 911 or sending Kyle for emergency
11 medical care, Defendant Bates called Defendant Khalid Salim Khan, MD, the on-call
12 physician.

13 10. After the phone call between Defendant Bates and Defendant Khan, Kyle *still* was
14 not directed to the emergency department. Kyle was instructed to go to breakfast, which
15 he did, and then he went to his room.

16 11. As set forth in more detail below, in a note apparently authored after Kyle's
17 admission to the Mercy Gilbert intensive care unit, Defendant Kahn entered a note
18 indicating that he confirmed a 9 milligram dose of methadone while speaking with
19 Defendant Bates on the phone.

20 12. Methadone pills do not regularly come in 9 milligram dosages, so Defendant Bates'
21 confession should have been difficult to believe. Despite this, Defendant Khan did not
22 insist on speaking to a supervising nurse (if one was even present), or directing Kyle to
23 the emergency department, or driving to Copper Springs East himself to ensure Kyle's
24 safety. Instead, Defendant Khan directed "observation" for Kyle.

25 13. 43 minutes later, now 80 minutes after Kyle was given the fatal dose of methadone,
26 Defendant Cynthia Johnson, RN, came to work.

 14. Upon information and belief, Defendant Johnson also was neither a psychiatric
nurse nor a regular Copper Springs East employee, but also there for the day from temp
agency Defendant Nurseio.

1 15. Like Defendant Bates and Defendant Khan, Defendant Johnson did nothing
2 whatsoever to ensure Kyle's safety.

3 16. At 9:30 am, now almost three hours after he was given the fatal dose of methadone,
4 Kyle was discovered in his room, unresponsive.

5 17. Kyle's pulse was 203, blood pressure 168/163, his respiration rate was 5, and his
6 O2 saturation 23%.

7 18. Remarkably, despite these ominous vitals, it took nine minutes for the Copper
8 Springs East staff to call a Code Blue.

9 19. Despite Kyle obviously suffering from a methadone overdose, and despite there
10 being a standing Narcan order for every admitted patient at Copper Springs East, and
11 despite Narcan being a nasal spray that can be administered almost immediately, nobody
12 on the Copper Springs East staff gave Kyle Narcan.

13 20. The Gilbert Fire Department arrived at 9:47 am, quickly administered Narcan and
14 CPR, and rushed Kyle to the Mercy Gilbert Medical Center where he was admitted to the
15 ICU.

16 21. More than four hours after being informed that Kyle was given methadone instead
17 of Lexapro, and after Kyle was discovered nonresponsive and rushed to the hospital, Dr.
18 Khan wrote the following note into the record:

19 I was called by RN this morning, 7:17AM. He reported that he
20 incorrectly gave 9 mg of methadone to this patient. He states the
21 patient responded to his first name therefore date of birth was not
22 verified by RN. Confirmed with RN 3 times as to specific dose given.
23 Advised close observation given incorrect administration. As
24 relatively low dose was reportedly administered, and patient without
25 significant medical comorbidities, observation was recommended as
26 opposed to ED transfer. Was called later in the morning by house
supervisor at 10:02AM That patient was found unresponsive, and was
in fact given 90mg, not 9mg. Informed that EMS was alerted and

1 patient to be transported to emergency department. Called Hospital
2 CMO at 10:16AM to inform of event.

3 (See Exhibit B attached hereto.)

4 22. Brain imaging taken in subsequent days revealed that tragically, and very
5 predictably, Kyle had no brain activity.

6 23. If either Defendant Bates, Defendant Khan, or Defendant Johnson had directed
7 Kyle to the emergency department when they learned of the methadone overdose, Kyle
8 would have been admitted to the intensive care unit, placed on a Narcan drip, and almost
9 certainly have suffered no adverse effects from the overdose.

10 24. Kyle always believed in organ donation. Recipients were quickly found, and on
11 October 3, 2025, five days after Defendant Bates gave Kyle a fatal dose of methadone
12 then he and the rest of the Copper Springs East staff ignored him, Kyle had surgery where
13 many of his organs were procured for others, and he died, leaving behind a loving family
14 including four minor children.

15 **PARTIES, JURISDICTION AND VENUE**

16 25. Morgan is Kyle's surviving wife.

17 26. At the time of his death, Kyle's statutory beneficiaries, pursuant to A.R.S. § 12-
18 612 include Morgan (surviving wife), James "Ryan" (surviving son), Trulee (surviving
19 daughter), Chase (surviving son), Parker (surviving daughter), Kristina Zundel (surviving
20 mother), and James "Kevin" Slade (surviving father).

21 27. Morgan files this claim on behalf of all of Kyle's statutory beneficiaries pursuant
22 to *Wilmot v. Wilmot*, 206 Ariz. 265, 58 P.3d 507 (2002).

23 28. At all relevant times, Morgan has been a resident of Maricopa County, Arizona.

24 29. Each of the defendants conducted business and/or performed services in Maricopa
25 County, Arizona.

26 30. Venue and jurisdiction are proper in this Court as substantial acts and omissions
giving rise to the claims occurred in Maricopa County, Arizona.

31. Plaintiffs hereby demand a jury trial in this matter.

1 32. Plaintiffs certify that this is a “Tier 3” case for purposes of Ariz.R.Civ.Proc. 26.2.

2 **THE DEFENDANTS**

3 33. Defendant Lifepoint Health, Inc., is a foreign corporation and healthcare provider
4 pursuant to A.R.S. § 12-561, *et seq.*, which holds itself out as a provider of medical
5 services for persons such as Kyle, and is located at 3755 South Rome Street, Gilbert, AZ
6 85297.

7 34. Defendant Lifepoint Behavioral Services, LLC, is a foreign corporation and
8 healthcare provider pursuant to A.R.S. § 12-561, *et seq.*, which holds itself out as a
9 provider of medical services for persons such as Kyle, and is located at 3755 South Rome
10 Street, Gilbert, AZ 85297.

11 35. Defendant Copper Springs Hospital, LLC, is a foreign corporation and healthcare
12 provider pursuant to A.R.S. § 12-561, *et seq.*, which holds itself out as a provider of
13 medical services for persons such as Kyle, and is located at 3755 South Rome Street,
14 Gilbert, AZ 85297.

15 36. Defendant Rose Psychiatry, PLC (“Rose Psychiatry”), is a domestic professional
16 LLC and healthcare provider pursuant to A.R.S. § 12-561, *et seq.*, which holds itself out
17 as a provider of medical services for persons such as Kyle.

18 37. Defendant Aurora Behavioral Healthcare-Tempe (“Aurora”), is a domestic LLC
19 and healthcare provider pursuant to A.R.S. § 12-561, *et seq.*, which holds itself out as a
20 provider of medical services for persons such as Kyle.

21 38. Defendant Nurseio, Inc. (“Nurseio”), is a domestic corporation authorized to do
22 business in Arizona.

23 39. Through an agreement with Copper Springs East, Nurseio provided Defendant
24 Jason Bates, RN (“Defendant Bates”) and Defendant Cynthia Johnson, RN (“Defendant
25 Johnson”) to Copper Springs East.

26 40. Upon information and belief, Defendant Bates is an actual agent of Defendant
Nurseio.

41. Upon information and belief, Defendant Johnson is an actual agent of Defendant
Nurseio.

1 42. Defendant Khalid Salim Khan, MD (“Defendant Khan”) is a health-care provider
2 pursuant to A.R.S. § 12-561, *et seq.* and provided health-care services to Kyle while at
3 Copper Springs East.

4 43. Upon information and belief Defendant Khan is an employee and/or an actual
5 and/or ostensible agent of Rose Psychiatry and Defendant Aurora.

6 44. Each of the corporate defendants listed herein, including defendants Lifepoint
7 Health, Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC,
8 Nurseio, Inc. and Rose Psychiatry, PLC are directly liable for their own negligence,
9 recklessness, and other tortious conduct in the hiring and supervision of the officers,
employees, agents, and contractors whose conduct gives rise to this action.

10 45. For the purposes of this Complaint, the medical facility located at 3755 South
11 Rome Street, Gilbert, AZ 85297 shall be referred to as Copper Springs East.

12 46. For the purposes of this Complaint, defendants Lifepoint Health, Inc., Lifepoint
13 Behavioral Health Services, LLC, and Copper Springs Hospital, LLC, shall be referred to
14 herein as the “Lifepoint Defendants.”

15 47. Defendants Khan, Bates, and Johnson are all actual and/or ostensible agents of the
16 Lifepoint Defendants.

17 48. The Lifepoint Defendants, each of them, own, run, manage, and are responsible for
18 Copper Springs East, by which each of the Lifepoint Defendants are individually liable
19 for the wrongful acts of the employees and agents working at Copper Springs East, and
20 the negligent and other acts of all named and unnamed defendants, including not limited
to Defendant Bates, Defendant Johnson, and Defendant Khan, as alleged herein.

21 49. The Lifepoint Defendants are the employers and principals of each and every
22 healthcare provider named herein, both named and unnamed, including but not limited to
23 Defendant Bates, Defendant Johnson, and Defendant Khan, by which the Lifepoint
24 Defendant are vicariously liable for the negligent and other acts of all named and unnamed
25 defendants, including but not limited to Defendant Bates, Defendant Johnson, and
26 Defendant Khan as alleged herein.

1 50. Defendant Bates and Defendant Johnson own shares in, are employed by, and act
2 as agents of Defendant Nursio. Defendant Nurseio is vicariously liable for the negligent
3 and other acts of Defendant Bates and Defendant Johnson as alleged herein.

4 51. Defendant Khan owns shares in, is employed by, and acts as agent of both
5 Defendants Rose Psychiatry and Aurora. Defendants Rose Psychiatry and Aurora are both
6 vicariously liable for the negligent and other acts of Defendant Khan as alleged herein.

7 52. For the purposes of this Complaint, Defendant Bates, Defendant Johnson, and
8 Defendant Khan shall be referred to as the “Named Healthcare Provider Defendants”.

9 53. Each of the named corporate defendants, including Defendants Lifepoint Health,
10 Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC, Nurseio,
11 Inc., Rose Psychiatry, PLC, and Aurora Behavior Healthcare-Tempe, LLC, made financial
12 decisions which materially affected the hiring, staffing, management, oversight, medical
13 care, provider-to-patient ratio, and amount and quality of services provided to patients at
14 Copper Springs East including Kyle.

15 54. By virtue of making financial and other decisions that directly affected the hiring,
16 staffing, management, oversight, medical care, provider-to-patient ratio, and amount and
17 quality of services provided to patients at Copper Springs East including Kyle, each of the
18 named corporate defendants are directly and vicariously liable for Kyle’s death and the
19 negligent and intentional acts of the Named Healthcare Provider Defendants and Does I-
20 XX as described herein.

21 55. Defendants Roe Entities I-X are those corporate entities in which the named
22 corporate defendants and/or Does I-XX own shares or are partners, by which Roe Entities
23 I-X are vicariously liable for the negligent acts and intentional conduct of the Named
24 Corporate Defendants, the Named Healthcare Provider Defendants, and Does I-XX as
25 alleged herein.

26 56. Defendants Roe Entities I-X were at all times mentioned herein acting by and
through officers, employees, agents, and contractors, including Defendants Does I-X, who
were acting within the course and scope of their employment and authority, such that these

1 corporations or other such entities are bound by, and vicariously liable for, the conduct of
2 their officers, agents, employees, and contractors.

3 57. Defendants Roe Entities I-X also are directly liable for their own negligence,
4 recklessness, and other tortious conduct in the hiring and supervision of the officers,
5 employees, agents, and contractors whose conduct gives rise to this action.

6 58. Defendant Does I-XX are those persons whose identities are presently unknown, but
7 whose conduct caused or contributed to Kyle's wrongful death and the Slade Family's and
8 Kristina's damages. When their identities are determined, this complaint will be amended
9 accordingly.

10 59. At all times relevant, each and every healthcare provider including Defendant
11 Bates, Defendant Johnson, Defendant Khan, and Does I-XX who cared for Kyle at Copper
12 Springs East, as described herein, was acting within the course and scope of his or her
13 employment, agency, and authority for each and every named corporate defendant, such
14 that each and every named corporate defendant is separately bound by, and vicariously
15 liable for, their conduct.

16 60. Does I-XX are healthcare providers pursuant A.R.S. § 12-561, et seq. Each
17 provided medical services to Kyle and was an employee or agent of each and every named
18 corporate defendant. Each and every corporate defendant is vicariously liable for the
19 negligence of all healthcare defendants, including Does I-XX, as alleged herein.

20 61. Does I-XX also include partners, directors, managers, CEOs, CFOs, investors, and
21 other executives working for, or associated with the named corporate defendants, who
22 were involved in financial decisions that directly affected the hiring, staffing,
23 management, oversight, medical care, provider-to-patient ratio, and amount and quality
24 of services provided to patients at Copper Springs East including Kyle, and by virtue of
25 such decision-making, they are directly responsible and vicariously liable for Kyle's death
26 and the Plaintiffs' damages.

62. All married defendants including Defendant Bates, Defendant Johnson, Defendant
Khan, and Does I-XX acted for and on behalf of their marital communities whereby those

1 marital communities are vicariously liable for the negligence of the married defendants,
2 as alleged herein.

3 63. Each of the unnamed defendants worked for an on behalf of each of the named
4 corporate defendants and at all times herein worked in the course and scope of their
5 employment for each of the named defendants.

6 64. At all times relevant, all named and unnamed defendants held themselves out as
7 competent and qualified in providing and administering health care to the public and to
8 Kyle

9 **FACTUAL ALLEGATIONS**

10 65. Plaintiffs hereby incorporate all previous allegations by this reference.

11 66. As of September of 2025, Kyle was a loving husband, father, and son to the
12 statutory beneficiaries. He was 40 years old, in excellent physical health, a hard worker
13 and good provider for his family, a high school football coach, a good neighbor, a law-
14 abiding citizen, a man of faith, a man who lived a sober lifestyle, and a man who was
15 loved by all who knew him.

16 67. Kyle checked himself into Copper Springs East on September 25, 2025, for help
17 with depression.

18 68. On the morning of September 28, 2025, Defendant Bates, who was an employee
19 and/or agent of Copper Springs East and each of the named corporate defendants, gave
20 Kyle methadone instead of his depression medication, Lexapro.

21 69. Defendant Bates gave Kyle methadone in the course and scope of his or her
22 employment and/or agency for Copper Springs East and each of the named corporate
23 defendants.

24 70. Other members of the staff, including Defendant Johnson, Defendant Khan, and
25 Does I-XX, became aware of this negligent administration of medication in the course and
26 scope of their employment and/or agency.

71. The standard of care required all healthcare provider defendants to send Kyle
directly to the emergency room which was only one-half mile away.

1 72. Instead of complying with the standard of care, Defendant Bates, in the course and
2 scope of his employment and/or agency with and for the named corporate defendants,
3 attempted to cover up his negligent act.

4 73. Such a response by Defendant Bates to his previously negligent act constitutes an
5 oppressive and intolerable act, and a conscious disregard to a substantial risk of harm to
6 Kyle, including a conscious disregard of a substantial risk of death.

7 74. Despite Kyle being given methadone instead of an antidepressant, Defendant
8 Bates, Defendant Johnson, Defendant Khan, and Does I-XX, acting in the course and
9 scope of their employment and/or agency with and for the named corporate defendants,
10 directed and ordered that Kyle be merely observed.

11 75. Such conduct by Defendant Bates, Defendant Johnson, Defendant Khan, and Does
12 I-XX to an overdose of methadone constitutes negligence, a breach of the standard of care,
13 and outrageous and intolerable conduct.

14 76. Among Does I-XX are managers who were aware of, participated in, and ratified
15 the conduct of Defendant Bates, Defendant Johnson, and Defendant Khan.

16 77. After Kyle went from breakfast to his room, and after an extended period after the
17 overdose when Defendant Bates, Defendant Johnson, Defendant Khan, and Does I-XX
18 ignored Kyle, somebody decided to check on Kyle.

19 78. Kyle was discovered in his room covered in vomit, nonresponsive, and critically
20 ill.

21 79. Code Blue was not called for 9 minutes.

22 80. Nobody at Copper Springs East gave Narcan.

23 81. Emergency medical services were called, and they attempted to revive Kyle with
24 Narcan and CPR.

25 82. Kyle was taken by EMS to Gilbert Mercy Medical Center, admitted to the ICU,
26 and placed on a ventilator.

83. Several days later, an MRI revealed that Kyle had no brain activity as a direct and
proximate result of the conduct Defendant Bates, Defendant Johnson, Defendant Khan,
and Does I-XX, acting on behalf of and in the course and scope of their employment and/or

1 agency of the named and unnamed corporate defendants, and with the ratification and
2 approval of such conduct by managers and supervisors of the named and unnamed
3 corporate defendants.

4 84. On October 3, 2025, five days after fatally overdosing and recklessly ignoring Kyle,
5 Kyle was taken to surgery, his organs were procured so they could be used by others in
6 need, and he died.

7 **CAUSES OF ACTION**

8 **COUNT I — MEDICAL NEGLIGENCE**

9 **(Against Defendant Bates, Defendant Johnson, 10 Defendant Khan, and Does I-XX)**

11 85. Plaintiffs incorporate each and every allegation above as if fully set forth herein.

12 86. In rendering care to Kyle, Defendant Bates, Defendant Johnson, Defendant Khan,
13 and Does I-XX fell below the standard of care of reasonable healthcare providers, in the
14 professions of classes to which they belong, practicing in the state of Arizona in the same
15 or similar circumstances.

16 87. In rendering care to Kyle, Defendant Bates, Defendant Johnson, Defendant Khan,
17 and Does I-XX committed malpractice pursuant to A.R.S. § 12-561, *et seq.*

18 88. If Defendant Bates, Defendant Johnson, Defendant Khan, and Does I-XX had
19 complied with the standard of care, Kyle would not have overdosed and he would not have
20 died on October 3, 2025, but instead lived a long and full life with his family.

21 89. Each of the named corporate defendants, including defendants Lifepoint Health,
22 Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC, Nurseio,
23 Inc., Rose Psychiatry, PLC and Aurora Behavioral Healthcare-Tempe, LLC each of them,
24 are vicariously liable for the negligent acts and omissions of the named healthcare provider
25 defendants, Does I-XX, and all other providers that cared for Kyle.

26 90. As a direct and proximate result of the negligence of the Defendant Bates,
Defendant Johnson, Defendant Khan, and Does I-XX, Kyle's statutory beneficiaries have
suffered extreme shock, depression, sadness, guilt, and emotional distress and suffering
by his untimely passing.

COUNT II—WRONGFUL DEATH

(Against All Named and Unnamed Defendants)

91. Plaintiffs incorporate each and every allegation above as if fully set forth herein.

92. By their negligent conduct as described herein, overdosing Kyle on methadone, Defendant Bates, Defendant Johnson, Defendant Khan, and Does I-XX directly and proximately caused Kyle's wrongful death in violation of A.R.S. § 12-611, *et seq.*

93. Each of the named corporate defendants, including defendants Lifepoint Health, Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC, Nurseio, Inc., and Rose Psychiatry, PLC each of them, are vicariously liable for the negligent acts and omissions of the named healthcare provider defendants and Does I-XX.

94. The negligent conduct of Defendant Bates, Defendant Johnson, Defendant Khan, and Does I-XX has caused the statutory beneficiaries extreme shock, depression, sadness, guilt, economic loss, and emotional distress, and suffering by his untimely passing.

COUNT III—NEGLIGENT HIRING, TRAINING, AND SUPERVISION

(Against all named and unnamed corporate defendants)

95. Plaintiffs incorporate each and every allegation above as if sully set forth herein.

96. The named and unnamed corporate defendants each had a duty to hire only qualified candidates and/or to train their contractors, employees and/or agents including Defendant Bates, Defendant Johnson, Defendant Khan, and Does I-XX, as to the standard of care of nursing practice at mental health facilities such as Copper Springs East, and to ensure they were aware of the standard of care of nursing practice at mental health facilities such as Copper Springs East, and to instruct them in the policies, procedures and bylaws of Copper Springs East.

97. Each of the named and unnamed corporate defendants, including defendants Lifepoint Health, Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC, Nurseio, Inc. Rose Psychiatry, PLC, Aurora, and Roe Entities I-X, failed in their duties to properly hire, train and/or supervise Defendant Bates, Defendant Johnson, Defendant Khan, and Does I-XX, as to the standard of care of nursing practice at mental health facilities such as Copper Springs East, and to ensure they were aware of

the standard of care of nursing practice at mental health facilities such as Copper Springs East, and to instruct them in the policies, procedures and bylaws of Copper Springs East.

98. As a direct and proximate result of the negligence and failures of defendants Lifepoint Health, Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC, Nurseio, Inc., Rose Psychiatry, PLC, Aurora, and Roe Entities I-X to properly train and supervise the named and unnamed healthcare provider defendants as alleged herein, Kyle was overdosed with methadone, ignored for three hours, and died.

99. The negligent conduct of defendants Lifepoint Health, Inc., Lifepoint Behavioral Health Services, LLC, Copper Springs Hospital, LLC, Nurseio, Inc., Rose Psychiatry, PLC, Aurora, and Roe Entities I-X has caused the statutory beneficiaries extreme shock, depression, sadness, guilt, economic loss, and emotional distress, and suffering by his untimely passing.

COUNT IV—PUNITIVE DAMAGES

(Against Defendant Bates, the Lifepoint Defendants, and Defendant Nurseio)

100. Plaintiffs incorporate each and every allegation above as if fully set forth herein.

101. Defendant Bates' attempt to cover up his negligent conduct when dispensing medication was outrageous and intolerable.

102. By his knowing and conscious disregard for the risk of Kyle's death, after negligently overdosing him on methadone and then refusing to send him immediately to the emergency department, or immediately contacting Defendant Khan and confessing the correct dosage of the overdose, Defendant Bates' conduct rose to the level of reprehensible conduct subject to punitive or exemplary damages.

103. Under Arizona law, principles are liable for the punitive damages of their agents. *Hyatt Regency Hotel Co. v. Winston & Strawn*, 184 Ariz. 120 (App.1995).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray for relief as follows:

A. For special, general, incidental, and consequential damages against each and every named corporate defendant, every named healthcare provider defendant, every Roe Entity, and all Doe defendants, for each of Morgan, Ryan, Trulee,

Chase, Parker, Kristina, and Kevin, pursuant to A.R.S. § 12-613 and Arizona law (*see, e.g.*, RAJI (Civil), 6th, Personal Injury Damages 3);

- B. For punitive damages against Defendant Bates, for engaging in outrageous and intolerable conduct attempting to cover up his negligent acts, acting with and pursuing a course of conduct with a conscious disregard for the risk of Kyle's death, for the selfish motive of trying to preserve his job and his nursing license;
- C. For punitive damages against the Lifepoint Defendants, and against Defendant Nurseio, for Defendant Bates conduct while working and acting within the course and scope of his employment and/or agency for the Lifepoint Defendants and Defendant Nurseio, and acting with the approval and affirmation of managers and supervisors of the Lifepoint Defendants and Defendant Nurseio;
- D. For vicarious liability for all named and unnamed corporate Defendants for the acts and/or omissions of their employees and agents, including punitive damages;
- E. For taxable costs incurred and incurring;
- F. For all other damages allowable under Arizona law; and
- G. For any other relief which this Court deems appropriate.

Dated this 31st day of October, 2025.

KELLY & LYONS, PLLC

By: /s/ Richard D. Lyons
Richard D. Lyons
Jason M. Kelly
Anoop Bhatheja
Attorneys for Plaintiffs

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ORIGINAL of the foregoing e-filed
this 31st day of October, 2025, with:

Clerk of Superior Court
Maricopa County Superior Court

By: /s/ Zoe Pepin