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9 **SUPERIOR COURT OF ARIZONA**  
10 **MARICOPA COUNTY**

11 CATHY BYUS, on behalf of Linda Haas'  
12 surviving beneficiaries and CATHY BYUS  
13 and TALFORD PERKINS, as Co-Personal  
14 Representatives of the Estate of  
15 LINDA HAAS, deceased,

16 Plaintiffs,

17 vs.

18 MANAGEMENT & TRAINING  
19 CORPORATION, a Delaware corporation;  
20 STATE OF ARIZONA, a government entity;  
21 ARIZONA DEPARTMENT OF  
22 CORRECTIONS, a governmental agency of the  
23 State of Arizona; and  
24 DOMINION ASSET SERVICES, L.L.C.,

25 Defendants.

26 ) Case No. CV 2011-005377

27 ) **COMPLAINT**

28 ) (Tort: Non-Motor Vehicle; Wrongful Death)

COMES NOW, the Plaintiffs, Cathy Byus, on behalf of Linda Haas' surviving beneficiaries and Cathy Byus and Talford Perkins, as Co-Personal Representatives of the Estate of Linda Haas, deceased, and allege as follows:

**THE PARTIES, JURISDICTION and VENUE**

1. Plaintiff, Cathy Byus, is the only surviving child of Linda Haas, deceased, and is Co-Personal Representative of the Estate of Linda Haas, deceased, along with her uncle, Linda Haas' surviving brother, Talford Perkins.

2. Plaintiff, Cathy Byus, currently and at all times relevant hereto, lived in Tecumseh, Oklahoma, located in Pottawatomie County. Talford Perkins, currently and at all times relevant hereto, lived in Norman, Oklahoma, located in Cleveland County.



1           12. In March 2004, the State/ADC awarded a contract (“the original contract”)  
2 to Defendant MTC to own and operate ASP-Kingman as a 1,400 inmate prison with 1,100  
3 minimum-custody and 300 medium-custody beds, to house DUI inmates only.

4           13. In May 2005, the State/ADC approved a change in the ASP-Kingman inmate  
5 population from DUI-only to General Population inmates and began loading 150 inmates per  
6 week at ASP-Kingman until the original 1,100 minimum-custody beds and  
7 300 medium-custody beds were filled. This marked the first time medium-custody inmates  
8 were ever placed in a contracted Arizona private prison.

9           14. Pursuant to the State/ADC’s Inmate Classification System and relevant prison  
10 standards, medium-custody prisons are to be designed, constructed and operated for the  
11 safe and secure housing of dangerous inmates, including violent offenders and murderers.

12           15. In December 2006, the State/ADC found Defendant MTC to be in  
13 substantial non-compliance with the terms of the original contract with the State/ADC in its  
14 operation and management of ASP-Kingman.

15           16. In December 2007, despite MTC’s failure to comply with the terms of the  
16 original contract, the State/ADC, for the first time, began assigning convicted murderers  
17 to ASP-Kingman.

18           17. In February 2008, despite MTC’s failure to comply with the terms of the  
19 original contract, the State/ADC awarded Contract AD9-010-A3-001 (“the Contract”)  
20 to MTC to add an additional 2,000 minimum-custody inmate beds at ASP-Kingman.

21           18. In May 2008, the Contract was amended to allow MTC to operate  
22 ASP-Kingman with 2,000 beds in the newly-constructed Cerbat Unit and 1,400 beds in the  
23 Hualapai Unit, creating a 3,400 minimum/medium-custody private prison.

24           19. The State/ADC failed to comply with the notification requirements of  
25 A.R.S. §41-1609.02 in regards to the May 2005 contract modification with MTC,  
26 the new February 2008 Contract and/or the May 2008 contract amendment with MTC,  
27 making ASP-Kingman a 3,400 bed combined minimum/medium custody inmate prison.  
28 Thus, MTC housed convicted murderers and other dangerous inmates at ASP-Kingman

1 without the knowledge and/or approval of the Arizona Legislature, the Mohave (County)  
2 Board of Supervisors and/or the citizens of Mohave County, Arizona.

3 20. In October 2009, ADC Director Charles Ryan (“Director Ryan”) determined  
4 that Kingman Cerbat Unit (the new 2,000 bed unit) did not have a perimeter consistent with  
5 medium security and re-designated it as a minimum-custody unit. Director Ryan also  
6 re-designated Kingman Hualapai Unit (the original 1,400 bed unit) as a medium-custody unit  
7 since it “had a medium perimeter and experience managing a medium-custody population.”

8 21. In February 2010, Inmate (“IM”) John McCluskey, #074469, who was  
9 sentenced in 2009 to serve 15 years for attempted 2<sup>nd</sup> degree murder, aggravated assault and  
10 discharge of a firearm, was transferred to ASP-Kingman, classified as “medium-custody.”

11 22. In February 2010, IM Tracy Province, #071253, who was sentenced in 1993 to  
12 a life sentence for murder and robbery, originally classified to maximum custody, was  
13 transferred to ASP-Kingman, classified as “medium-custody.”

14 23. In April 2010, IM Daniel Renwick, #164446, who was sentenced in 2002 to  
15 two consecutive twenty-two year terms for two counts of 2<sup>nd</sup> degree murder, was transferred  
16 to ASP-Kingman, classified as “medium-custody.”

17 24. On July 30, 2010, IM McCluskey, IM Province and IM Renwick,  
18 three prisoners within the exclusive custody and control of the Defendants MTC and the  
19 State/ADC escaped from ASP-Kingman in Kingman, Arizona (“the prison escape”).  
20 On or about August 2, 2010, one of the escaped inmates, IM McCluskey, murdered  
21 Gary and Linda Haas, an innocent Oklahoma couple, in New Mexico.

22 25. At all times relevant hereto, Defendants MTC and the State/ADC had  
23 non-delegable duties to maintain ASP-Kingman in a safe, secure and orderly manner and to  
24 protect the general public from dangerous prisoners escaping the prison complex.

25 26. Defendant MTC was negligent in the performance of its duties and  
26 responsibilities to operate and maintain ASP-Kingman in a safe, secure and proper manner,  
27 which permitted the escapes of IM McCluskey, IM Province and IM Renwick and led to the  
28 kidnapping, torture and death of Gary Haas.



1           33. After climbing over the inner fence, the inmates made contact with an  
2 accomplice on the outside of the prison, Casslyn Welch (“Welch” or “accomplice”).  
3 Welch provided the inmates with cutting tools and guns by throwing them over the  
4 outer perimeter fence at the prison.

5           34. The inmates then cut a hole and made their way through the prison’s outer  
6 perimeter fence, evading MTC’s security staff without difficulty, and escaped the prison  
7 complex. From there, the escaped inmates and their accomplice fled to Interstate 40 (I-40).

8           35. During the prison escape, perimeter zone alarms were sounding at the location  
9 of the perimeter breach. Defendant MTC’s agents and employees neglected to recognize,  
10 react and address these alarms in a timely manner.

11           36. During the prison escape, the perimeter of the Hualapai Unit at ASP-Kingman  
12 had been left unmanned and no perimeter patrol was guarding the perimeter.

13           37. After the prison escape, MTC staff failed to recognize, react and respond to a  
14 prison escape in a timely manner and delayed notifying state and local law enforcement  
15 authorities and the media that convicted murderers had escaped from ASP-Kingman.

16           38. On August 2, 2010, at a rest stop in Quay County, New Mexico, two of the  
17 escaped inmates (McCluskey and Province) and their accomplice (Welch) kidnapped  
18 Gary and Linda Haas, an innocent Oklahoma couple on their way to Colorado for vacation,  
19 at gun point, forced them into their truck and trailer and then forced them to drive west on  
20 I-40 and then north to a secluded desert area near Santa Rosa, New Mexico.

21           39. There, Gary and Linda Haas were forced inside of their camping trailer where  
22 one of the escaped inmates, IM McCluskey, viciously shot Gary Haas once in the head and  
23 then turned the gun on Linda Haas and shot her multiple times in the torso.

24           40. The escaped inmates and their accomplice then proceeded to drive the Haas’  
25 truck and trailer, which contained the couple’s bodies, to a remote location in Guadalupe  
26 County, New Mexico, where they unhitched the camping trailer from the Haas’ truck and  
27 lit it on fire, with the bodies of Gary and Linda Haas still inside the trailer.

28

1 41. On August 4, 2010, burned debris from a camping trailer was found by  
2 Guadalupe County Authorities and the New Mexico State Police (“NMSP”) Investigations  
3 Bureau was contacted.

4 42. Upon arriving at the site, NMSP agents identified what appeared to be charred  
5 human skeletal remains in the debris of the burned trailer.

6 43. The New Mexico Office of the Medical Investigator later identified the  
7 human remains found in the burned down trailer to be Gary Haas and Linda Haas.

8 44. Two dogs were found untended near the burned trailer, one of which had on a  
9 collar with a dog tag that contained a telephone number.

10 45. Later during the day of August 4, 2010, a NMSP agent contacted the Plaintiff  
11 Cathy Byus (Gary and Linda’s daughter), by telephone at the number listed on the dog’s tag,  
12 and informed her of the chilling and tragic news regarding her parents.

13 46. On the date that the Plaintiff, Cathy Byus, first learned that both of her parents  
14 had been gruesomely murdered and their bodies burned beyond recognition, Cathy was  
15 approximately 6 months pregnant with a son, who was to be Gary and Linda Haas’  
16 first grandchild.

17 47. James DeWayne Byus was born on December 1, 2010, in Shawnee, Oklahoma,  
18 to the Plaintiff, Cathy Byus, and her husband Justin Byus.

19 48. On October 4, 2010, the Plaintiffs, Cathy Byus and Talford Perkins were  
20 appointed Co-Personal Representatives of the Estate of Linda Haas, deceased.

21  
22 **FIRST CAUSE OF ACTION**

23 **NEGLIGENCE/GROSS NEGLIGENCE OF THE DEFENDANT**  
24 **MANAGEMENT & TRAINING CORPORATION (MTC)**

25 For purposes of Plaintiffs’ Complaint, Plaintiffs reallege and incorporate by reference  
26 the facts and allegations contained in paragraphs 1 - 48, and further allege that, at all times  
27 pertinent hereto and at the time of the prison escape from ASP-Kingman at issue herein,  
28

1 Defendant MTC was negligent and/or grossly negligent in its management and operation of  
2 ASP-Kingman, specifically, but without limitation, as follows:

3  
4 49. Defendant MTC failed to maintain a safe and adequate prison.

5 50. Defendant MTC failed to maintain a safe and adequate prison perimeter system.

6 51. Defendant MTC failed to maintain a safe, adequate and properly functioning  
7 perimeter alarm system.

8 52. Defendant MTC failed to maintain an adequate number of experienced and/or  
9 competent staff, including but not limited to, perimeter security staff, control room staff and  
10 management and supervisory staff.

11 53. Defendant MTC failed to properly monitor the prison perimeter for security  
12 breaches, including but not limited to, inmate escapes.

13 54. Defendant MTC failed to adequately and properly manage, maintain and test its  
14 perimeter alarm system, leaving it susceptible to security breaches, including but not limited  
15 to, inmate escapes.

16 55. Defendant MTC's procedures in place for all aspects of the perimeter alarm  
17 system for ASP-Kingman Hualapai Unit bred a culture of laxness among MTC staff.

18 56. Defendant MTC failed to timely and appropriately recognize and respond to  
19 perimeter alarms and allowed zone alarms to excessively sound throughout the day.

20 57. Defendant MTC staff had become conditioned to the continuous false alarms  
21 and either ignored them and/or reacted to them with complacency, leaving the prison  
22 susceptible to security breaches, including but not limited to, inmate escapes.  
23  
24  
25  
26  
27  
28

1           58. Defendant MTC staff often left perimeter zone alarms activated and unattended  
2 for extended periods of time, leaving the prison susceptible to security breaches, including  
3 but not limited to, inmate escapes.  
4

5           59. Defendant MTC failed to maintain proper contract maintenance for the prison's  
6 perimeter alarm system for approximately 2 years. As a result, at the time of the escape,  
7 the perimeter zone alarm system at ASP-Kingman had not been serviced by properly trained  
8 experts for two (2) years.  
9

10          60. Defendant MTC's Information Technology (IT) and Maintenance staff failed to  
11 receive staff reports of repeated malfunctioning perimeter alarms at ASP-Kingman.  
12

13          61. Defendant MTC's Information Technology (IT) and Maintenance staff failed to  
14 timely and properly act upon and address staff reports of repeated malfunctioning perimeter  
15 alarms at ASP-Kingman, leaving the prison susceptible to security breaches, including but not  
16 limited to, inmate escapes.  
17

18          62. Defendant MTC's IT staff lacked the information and knowledge necessary to  
19 adequately manage, test and/or repair the perimeter alarm system.  
20

21          63. Defendant MTC failed to maintain an efficient and effective Control Room to  
22 ensure a safe and proper perimeter, leaving the prison susceptible to security breaches,  
23 including but not limited to, inmate escapes.  
24

25          64. Defendant MTC's control room staff and perimeter staff were inexperienced.

26          65. Defendant MTC's control room and perimeter were understaffed.

27          66. Defendant MTC's control room staff frequently allowed perimeter zone alarms  
28 to go off for extended periods of time without properly clearing the zone to ensure no

1 breaches of security had occurred and/or ignored perimeter zone alarms on a regular basis,  
2 leaving the prison susceptible to security breaches, including inmate escapes.

3  
4 67. Defendant MTC's control room staff failed to make the timely and adequate  
5 response to perimeter zone alarms a priority duty.

6 68. Defendant MTC's Unit Maintenance and IT staff were inadequately trained to  
7 operate and maintain the perimeter alarm system at ASP-Kingman.

8  
9 69. Defendant MTC failed to have the perimeter alarm system calibrated  
10 professionally by a third party contract vendor, leaving the prison susceptible to security  
11 breaches, including but not limited to, inmate escapes.

12 70. Defendant MTC's officers and supervisors were not adequately familiar with  
13 and/or trained to manage, operate and/or test the perimeter alarm system in use at  
14 ASP-Kingman, leaving the prison susceptible to security breaches, including but not limited  
15 to, inmate escapes.

16  
17 71. Defendant MTC conducted perimeter alarm system testing and perimeter  
18 patrols in a predictable manner each night on the graveyard shift following the 9:15 p.m.  
19 count, leaving the prison susceptible to security breaches, including inmate escapes.

20  
21 72. Defendant MTC's procedures in place for shift change were ineffective and  
22 detrimental to security at the prison, leaving a predictable window of opportunity for inmates  
23 to exploit the total lack of perimeter coverage and attempt escapes.

24  
25 73. Defendant MTC's shift change procedures allowed for an unattended perimeter  
26 for extended periods of time at the beginning of the graveyard shift, leaving the prison  
27 susceptible to security breaches, including but not limited to, inmate escapes.

28

1           74. Defendant MTC's Correction Officers (CO) and perimeter security staff were  
2 inadequately trained on timely and proper perimeter alarm response procedures, leaving the  
3 prison susceptible to security breaches, including but not limited to, inmate escapes.  
4

5           75. Defendant MTC's perimeter vehicles failed to have adequate lighting  
6 equipment to assist officers with clearing zones, leaving the prison susceptible to security  
7 breaches, including but not limited to, inmate escapes.  
8

9           76. During the shift(s) in which the escape occurred, Defendant MTC had only one  
10 perimeter patrol in place, leaving the prison susceptible to security breaches, including but  
11 not limited to, inmate escapes.

12           77. Defendant MTC's malfunctioning alarm system led to a desensitization of  
13 alarm activations by MTC staff. Thus, most perimeter zone alarms were assumed to be just  
14 another false alarm, leaving the prison susceptible to security breaches, including but not  
15 limited to, inmate escapes.  
16

17           78. Defendant MTC improperly allowed too much traffic (pedestrian and vehicular)  
18 in close proximity to the prison perimeter, leaving the prison susceptible to security breaches,  
19 including but not limited to, inmate escapes.  
20

21           79. Defendant MTC had rocked-in drainage ditches around the prison perimeter  
22 which created a barrier to sound security practices and left the prison susceptible to security  
23 breaches, including but not limited to, inmate escapes.  
24

25           80. Defendant MTC's security staff was not proficient with weapons, which  
26 decreased safety levels at the prison, delayed relief process and left the prison susceptible to  
27 security breaches, including but not limited to, inmate escapes.  
28

1           81. At least eight light poles around the prison perimeter at ASP-Kingman had  
2 lights burned out at the time of the escape, leaving the prison susceptible to security breaches,  
3 including but not limited to, inmate escapes.  
4

5           82. Defendant MTC had flawed and inefficient count procedures in place which  
6 were the result of poorly trained staff and a lack of “command presence” at the prison,  
7 leaving the prison susceptible to security breaches, including inmate escapes.  
8

9           83. Defendant MTC was failing to perform proper inmate pat searches, leaving the  
10 prison susceptible to security breaches, including but not limited to, inmate escapes.

11           84. Defendant MTC failed to have a SSU Monitor in place to monitor inmate phone  
12 activities, which resulted in inadequate phone monitoring of inmates and left the prison  
13 susceptible to security breaches, including but not limited to, inmate escapes.  
14

15           85. Prior to the subject escape, Defendant MTC failed to suspend phone usage for  
16 the accomplice, Casslyn Welch, thus leaving the prison susceptible to security breaches,  
17 including but not limited to, inmate escapes.  
18

19           86. Defendant MTC failed to have a proper Emergency Response Plan (“ERP”) in  
20 place to timely and appropriately respond to inmate escapes which led to a significant delay  
21 in recognition of the escape and delayed reporting to state and local authorities.  
22

23           87. During the time period of the transition of ASP-Kingman to a 3,400 bed  
24 minimum/medium-custody inmate population, Defendant MTC failed to take timely and  
25 appropriate action/steps to prepare the physical plant and staff for the transition in April 2010,  
26 leaving the prison susceptible to security breaches, including inmate escapes.  
27  
28

1           88. During the transition of ASP-Kingman noted in paragraph 87, no additional or  
2 follow up training had been conducted with MTC staff to assist with transition of the prison  
3 population to include a dangerous medium custody inmate population (including convicted  
4 murderers), leaving the prison susceptible to security breaches, including inmate escapes.  
5

6           89. A dog program was left in place at the Hualapai Unit at ASP-Kingman behind  
7 Dorm 2 with a ten foot fence that did not to have razor wire on top. This left the prison  
8 susceptible to security breaches, including but not limited to, inmate escapes.  
9

10          90. A door to the outside dog area from Dorm 2 was frequently left propped open  
11 with a rock for extended periods of time, which left the prison susceptible to security  
12 breaches, including but not limited to, inmate escapes.  
13

14          91. Defendant MTC's inmate movement and recreation procedures at  
15 ASP-Kingman were flawed which left the prison susceptible to security breaches, including  
16 but not limited to,, inmate escapes.  
17

18          92. Defendant MTC's executive and management staff at ASP-Kingman,  
19 specifically, but without limitation, Captain Smith, Assistant Deputy Warden (ADW)  
20 Ramsey, Warden Leider, Complex Administrator Darla Elliott, were incompetent, ineffective  
21 and negligent, individually and/or collectively, in their operation and management of the  
22 prison, which left the prison complex susceptible to security breaches, including but not  
23 limited to, inmate escapes.  
24

25          93. Defendant MTC, corporately and/or by and through its agents and/or employees  
26 failed to comply with the terms and/or requirements of its contract(s) with the State/ADC,  
27 specifically but without limitation, Contract No. AD9-010-A3-001 and any and all  
28

1 amendments, attachments, appendix, etc., in its operation and management of  
2 ASP-Kingman. Such failures left the prison susceptible to security breaches, including but  
3 not limited to, inmate escapes.  
4

5 94. Defendant MTC's Chief of Security failed in his or her job duties, showed a  
6 lack of attentiveness and failed to follow up and/or take corrective action on serious security  
7 conditions, which left the prison susceptible to security breaches, including inmate escapes.  
8

9 95. Defendant MTC's operational security practices in effect at ASP-Kingman  
10 deviated from ADC mandated guidelines and policy compliance which left the prison  
11 susceptible to security breaches, including but not limited to, inmate escapes.  
12

13 96. Defendant MTC's Main Control Room's electronic zone alarm detection  
14 system lacked an audible and persistent alert during perimeter zone activations which left the  
15 prison susceptible to security breaches, including but not limited to, inmate escapes.  
16

17 97. Defendant MTC's Security Device Tracking Logs failed to identify and note  
18 the numerous false perimeter alarms that occurred throughout the day on a regular basis at  
19 ASP-Kingman which left the prison susceptible to security breaches, including but not  
20 limited to, inmate escapes.  
21

22 98. Defendant MTC's Hualapai Unit Emergency Plan was not compliant with  
23 mandatory ADC Emergency Preparedness Plans, which left the prison susceptible to security  
24 breaches, including but not limited to,, inmate escapes.  
25

26 99. Defendant MTC officers working in the Unit Control Center and Tower lacked  
27 tenure, familiarity and training with the electronic surveillance and monitoring equipment in  
28

1 use at ASP-Kingman, thus leaving the prison susceptible to security breaches, including but  
2 not limited to, inmate escapes.

3  
4 100. Defendant MTC Post Orders were insufficient for prison staff to learn and  
5 understand their job duties and responsibilities, thus leaving the prison susceptible to security  
6 breaches, including but not limited to, inmate escapes.

7  
8 101. Defendant MTC's Unit Management was piece-meal and there was very little  
9 communication between the administration and shift staff and the inmates, including little to  
10 no shift briefing. This left the prison susceptible to security breaches, including but not  
11 limited to, inmate escapes.

12  
13 102. Defendant MTC failed to comply with all ADC Written Instructions,  
14 Department Orders and applicable State Administrative Rules, State statutes and federal laws  
15 in the operation and management of ASP-Kingman.

16  
17 103. On the date of the escape from 2:00 p.m. on July 30, 2010, thru 6:00 a.m. on  
18 July 31, 2010 (18 hours), there were a total of **89** Perimeter Zone Alarms activated, of which  
19 only 15 were cleared by the Defendant MTC within the 8 minute time requirement.

20  
21 104. From 6:26 p.m. until 7:40 p.m. on July 30, 2010, the Perimeter Alarm System at  
22 ASP-Kingman was completely logged off, meaning that any perimeter breaches could not  
23 have been detected by the perimeter electronic alarm system.

24  
25 105. At 8:22 p.m. on July 30, 2010, Zone 9 perimeter zone alarm (the location of the  
26 escape) activated and was not cleared until 8:45 p.m. This allowed for a 23 minute gap  
27 without any electronic Zone Coverage at the escape breaching point.  
28

1           106. At 8:49 p.m. on July 30, 2010, the Zone 9 perimeter zone alarm activated again  
2 and was not cleared until 9:17 p.m. This allowed for a 28 minute gap without any electronic  
3 Zone Coverage at the escape breaching point.  
4

5           107. Defendant MTC's Inmate movement and count procedures in place were  
6 unorganized and inefficient, thus requiring frequent recounts and leaving the prison  
7 susceptible to security breaches, including but not limited to, inmate escapes.  
8

9           108. Defendant MTC's Chief of Security had a lack of security knowledge and lack  
10 of attentiveness by failing to take corrective action for serious security conditions at the  
11 prison and failing to follow-up on items that should have required his direct involvement.  
12 These failures left the prison susceptible to security breaches, including inmate escapes.  
13

14           109. At all times pertinent hereto, Defendant MTC failed to properly utilize  
15 Security Device Tracking Logs to note and report the persistent false zone alarms which left  
16 the prison susceptible to security breaches, including but not limited to, inmate escapes.  
17

18           110. Defendant MTC failed to adequately follow and comply with sound  
19 correctional practices and numerous requirements of the Post Orders (PO) in place for various  
20 positions, including but not limited to, Lieutenant, Sergeant, Control Room Officer, Dorm  
21 Officers and Perimeter Officers, which left the prison susceptible to security breaches,  
22 including but not limited to, inmate escapes.  
23

24           111. At all times pertinent hereto, Defendant MTC negligently hired, retained,  
25 entrusted and/or failed to properly train and supervise prison administration, management,  
26 security and/or other prison staff at ASP-Kingman when it knew and/or should have known  
27  
28

1 that such failures would create an unreasonable risk of danger to the general public, including  
2 but not limited to, inmate escapes.

3  
4 112. In a letter dated August 12, 2010, Defendant ADC memorialized that  
5 “based upon...assessment and the observations of the ADC Security Operations team it is  
6 quite obvious that MTC was negligent in the performance of its duties. This failure to  
7 perform satisfactorily resulted in the escape of three inmates on July 30, 2010.”

8  
9 113. In a letter dated August 13, 2010, Defendant MTC admitted it was at fault for  
10 the prison escapes. MTC specifically stated: “We are in substantial agreement with the  
11 report and are committed both individually and as Company to make the corrections  
12 necessary to provide the level of security expected of all professionals in our business.  
13 MTC accepts full responsibility for this escape.”

14  
15 114. As a result of the Defendant MTC’s negligent and/or grossly negligent acts and  
16 omissions, taken collectively and/or individually, which permitted the escape of three  
17 convicted murderers from ASP-Kingman on July 30, 2010, the decedent, Linda Haas and her  
18 husband of 41 years, Gary Haas, were kidnapped, held against their will, tortured and brutally  
19 murdered on or about August 2, 2010, in New Mexico.

20  
21 115. The Defendant MTC’s negligent and/or grossly negligent acts and omissions,  
22 taken collectively and/or individually, permitted the escapes of three convicted murderers  
23 from ASP-Kingman on July 30, 2010, and directly caused and/or contributed to the decedent,  
24 Linda Haas, and her husband of 41 years, Gary Haas, sustaining permanent, irreversible  
25 severe bodily injuries, conscious physical and emotional pain and suffering, fear, agony and  
26 death on or about August 2, 2010, in New Mexico.  
27  
28

1           116. The foregoing acts and/or omissions of Defendant MTC, taken collectively  
2 and/or individually, were a direct and proximate cause of the damages sustained by the  
3 Plaintiffs; the decedent, Linda Haas, deceased, and the surviving beneficiaries of the decedent.  
4 Thus, under applicable law, Plaintiffs are entitled to recover the following damages:  
5

- 6           a) damages for the expenses incurred for the Linda Haas' funeral and burial;
- 7           b) damages for pain and suffering Linda Haas experienced between the  
8 time of the kidnapping until her death;
- 9           c) damages for the fear and mental anguish Linda Haas suffered between  
10 the time of the kidnapping until her death;
- 11          d) damages for the value of Linda Haas' life;
- 12          e) damages for the aggravating circumstances attending the wrongful  
13 conduct of the Defendants;
- 14          f) damages to Cathy Byus for her emotional distress caused by the loss of  
15 society, guidance and companionship of her mother, Linda Haas;
- 16          g) damages to Cathy Byus for the loss of love, affection, companionship,  
17 care, protection and guidance of her mother, Linda Haas;
- 18          h) damages to Cathy Byus for the pain, grief, sorrow, anguish, stress, shock  
19 and mental suffering suffered as a result of the loss of her mother;
- 20          i) damages to Cathy Byus for the income, services and future income and  
21 services lost as a result of the death of her mother;
- 22          j) damages for decedent's surviving mother, Lovie Perkins, for the loss of  
23 love, affection, companionship, care, protection and guidance of her only  
24 daughter, Linda Haas;
- 25          k) damages for Lovie Perkins for the pain, grief, sorrow, anguish, stress,  
26 shock and mental suffering suffered as a result of the loss of decedent;
- 27          l) damages for Lovie Perkins for the income, services and future income  
28 and services lost as a result of the death of her daughter;

- 1 m) damages to Talford Perkins, William Perkins and Sandra Roden,  
2 surviving siblings of Linda Haas, for their loss of relationship, emotional  
3 distress, grief and loss of companionship of Linda Haas; and
- 4 n) any and all other such damages this Court deems appropriate.

5 117. The foregoing acts and/or omissions of Defendant MTC were grossly negligent  
6 and/or were reckless and malicious such as to show a thoughtless, wanton and total disregard  
7 for the health and safety of Linda Haas, deceased, and the public in general. Therefore,  
8 punitive damages are appropriate against the Defendant MTC.  
9

10 118. Through its egregious failure to meet its duty of care to the general public,  
11 Defendant MTC acted to serve its own interests while having reason to know, and  
12 consciously disregarded a substantial risk that its conduct might significantly injure the rights  
13 of others, like the decedent, Linda Haas, for which Plaintiffs are entitled to punitive damages.  
14

15 119. Through its egregious failure to meet its duty of care to the general public,  
16 Defendant MTC consciously and deliberately pursued a course of conduct seeking to increase  
17 profits, while knowing that it created a substantial risk of significant harm to others, such as  
18 the decedent, Linda Haas, for which Plaintiffs are entitled to punitive damages.  
19

20 WHEREFORE, premises considered, the Plaintiffs, Cathy Byus, on behalf of Linda  
21 Haas' surviving beneficiaries and Cathy Byus and Talford Perkins, as Co-Personal  
22 Representatives of the Estate of Linda Haas, deceased, for their negligence/gross negligence  
23 claims, hereby pray for judgment for compensatory damages against the Defendant MTC and  
24 for their gross negligence claims hereby pray for punitive damages, to deter Defendant MTC  
25 and others similarly situated from a like course of conduct in the future, together with  
26 attorney fees, costs, interest and all other relief appropriate.  
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28

**SECOND CAUSE OF ACTION**

**GROSS NEGLIGENCE CLAIMS AGAINST DEFENDANT STATE OF ARIZONA/ARIZONA DEPARTMENT OF CORRECTIONS (STATE/ADC)**

For purposes of Plaintiffs' Complaint, Plaintiffs reallege and incorporate by reference the facts and allegations contained in paragraphs 1 - 119, and further allege and state that, at all times pertinent hereto and/or at the time of the prison escape from ASP-Kingman at issue herein, Defendant State/ADC was grossly negligent in performance of its duties to ensure ASP-Kingman was operated and maintained in a safe and secure manner to prevent inmates escapes, specifically, but without limitation, as follows:

120. Defendant State/ADC awarded Contract No. AD9-010-A3-001 and any and all amendments, attachments, appendix, etc. to Defendant MTC despite a known history of MTC's contract non-compliance and security violations at ASP-Kingman and other prisons throughout the country operated by MTC.

121. Defendant State/ADC awarded Contract No. AD9-010-A3-001 and any and all amendments, attachments, appendix, etc. to Defendant MTC despite the fact that the perimeter at ASP-Kingman did not meet Department of Corrections Physical Plant Standards and/or general safety standards for housing medium-custody classified inmates.

122. Defendant State/ADC agreed to Amendment No. 1 to Contract AD9-010-A3 with Defendant MTC to permit ASP-Kingman to become a 3,400 bed minimum/medium-security prison despite MTC's known history of contract non-compliance and security violations at ASP-Kingman and other prisons throughout the country operated by MTC.

123. Defendant State/ADC agreed to Amendment No. 2 to Contract AD9-010-A3 with Defendant MTC to guarantee an overall occupancy rate of 90% of capacity for inmates

1 for the 3,400 bed minimum/medium-security prison, despite MTC’s known history of  
2 contract non-compliance and security violations at ASP-Kingman and other prisons  
3 throughout the country operated by MTC.  
4

5 124. Defendant State/ADC failed to ensure ASP-Kingman met prison safety and  
6 perimeter security standards before transferring dangerous inmates to the prison, which it  
7 knew or should have known were likely to cause bodily harm and/or death to others if not  
8 adequately controlled.  
9

10 125. Defendant State/ADC improperly classified dangerous and violent inmates,  
11 including convicted murderers such as IM McCluskey, IM Province and IM Renwick,  
12 as “medium-custody” inmates and transferred such inmates to ASP-Kingman.  
13

14 126. Defendant State/ADC designated the Hualapai Unit at ASP-Kingman as  
15 medium-custody compliant when the unit, in fact, did not have a perimeter and/or perimeter  
16 alarm system consistent with medium-custody inmate security requirements and standards.  
17

18 127. Defendant State/ADC designated the Hualapai Unit at ASP-Kingman as  
19 medium-custody compliant when the operator, Defendant MTC, did not have adequate  
20 experience and/or competency to manage a medium-custody inmate population.  
21

22 128. Defendant State/ADC designated the Hualapai Unit at ASP-Kingman as  
23 medium-custody compliant when the operator, Defendant MTC, did not have administrative  
24 and/or supervisory staff competent and/or qualified to manage and operate a medium security  
25 inmate population.

26 129. Defendant State/ADC designated IM McCluskey, IM Province and  
27 IM Renwick, all of them convicted murderers or attempted murderers who later escaped the  
28

1 prison and murdered again, as “medium-custody inmates” and transferred them to  
2 ASP-Kingman and the custody and control of Defendant MTC.

3  
4 130. Defendant State/ADC failed to provide adequate and proper oversight of the  
5 Defendant MTC’s management and operation of ASP-Kingman.

6 131. Defendant State/ADC failed to adequately and appropriately supervise the  
7 Defendant MTC’s management and operation of ASP-Kingman.

8  
9 132. Defendant State/ADC failed to adequately monitor the Defendant MTC’s  
10 day-to-day management and operation of ASP-Kingman.

11 133. Defendant State/ADC negligently hired and retained and failed to provide  
12 adequate training and supervision of State/ADC employees assigned to monitor  
13 Defendant MTC’s management and operation of ASP-Kingman.

14  
15 134. Defendant State/ADC failed to ensure State/ADC employees assigned to  
16 monitor Defendant MTC’s management and operation of ASP-Kingman were competent,  
17 knowledgeable and capable of performing their job duties and responsibilities.

18  
19 135. Defendant State/ADC failed to timely recognize, report and correct numerous  
20 glaring security deficiencies and omissions of the Defendant MTC at ASP-Kingman;  
21 specifically, but without limitation, the faulty and malfunctioning perimeter alarm system.

22 136. Defendant State/ADC failed to enforce the terms and requirements of the  
23 Contract with Defendant MTC to own, manage and operate ASP-Kingman in a safe and  
24 secure manner.  
25

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1 137. Defendant State/ADC failed to ensure that Defendant MTC and/or its  
2 employees, agents and/or subcontractors, substantially complied with the terms, conditions  
3 and requirements of the Contract to operate ASP-Kingman prison.  
4

5 138. Defendant State/ADC Monitors at ASP-Kingman, specifically, but without  
6 limitation ADW David Lee, Captain Jeri Green and/or CO III Melissa Anderson, failed to  
7 adequately perform their job duties to monitor and oversee Defendant MTC's contract  
8 compliance, performance and compliance with applicable policies and standards.  
9

10 139. Defendant State/ADC failed to ensure that its ADC Monitors for ASP-Kingman  
11 were knowledgeable about the terms, conditions and requirements of the Contract and  
12 ADC policies, including but not limited to, Department Orders and Director's Instructions.  
13

14 140. Defendant State/ADC failed to conduct adequate security audits and inspections  
15 of ASP-Kingman in accordance with ADC policies and safety standards to monitor the  
16 Defendant MTC's compliance with the Contract and applicable policies and standards.  
17

18 141. Defendant State/ADC failed to follow their own policies and procedures  
19 regarding regular meetings, reviews, reports and other required measures to ensure  
20 Defendant MTC's operation of ASP-Kingman complied with the Contract and applicable  
21 ADC, state and federal policies and standards.  
22

23 142. Defendant State/ADC failed to ensure that Defendant MTC hired, trained and  
24 utilized qualified and competent prison staff at ASP-Kingman, including but not limited to,  
25 Management/Supervisory Staff, correctional officers, security staff, control room staff, etc.  
26

27 143. Defendant State/ADC failed to ensure that Defendant MTC and/or Defendant  
28 Dominion complied with design and construction policies and standards as specified in the

1 Physical Plant Standards Technical Manual, ADC design and construction guidelines and/or  
2 relevant regulatory requirements in designing and/or constructing ASP-Kingman.

3  
4 144. Defendant State/ADC failed to ensure that Defendant MTC provided necessary  
5 training and education to its staff, including but not limited to, management and security staff,  
6 prior to and/or during the transition of ASP-Kingman to a 3,400 bed minimum/medium  
7 custody inmate prison, which included convicted murderers and other dangerous inmates.

8  
9 145. Defendant State/ADC Monitors at ASP-Kingman, specifically, but without  
10 limitation ADW David Lee, Captain Jeri Green and/or CO III Melissa Anderson, ignored  
11 on-going serious and dangerous perimeter security alarm problems at the prison and  
12 failed to act in a timely and proper manner to address such problems.

13  
14 146. Defendant/State's Operations Director for Contract Beds ("ODCB") for  
15 ASP-Kingman, Wade Woolsey, failed to perform his job duties appropriately and  
16 demonstrated a pattern of indifference to his job duties to hire, educate, train, supervise and  
17 oversee the State/ADC Monitors at ASP-Kingman and, in turn, the safe and orderly operation  
18 of ASP-Kingman by Defendant MTC.

19  
20 147. Defendant State/ADC failed to follow ADC Department Order 106 and/or the  
21 Tech Manual regarding the job duties and responsibilities for ADC Monitors to oversee  
22 MTC's operation procedures at ASP-Kingman.

23  
24 148. Defendant State/ADC's Engineering Division, specifically but without  
25 limitation, Construction Manager Ralph Mellecker, failed to conduct accurate and complete  
26 inspections of ASP-Kingman to ensure Defendant MTC was in compliance with applicable  
27 security requirements to maintain a safe and secure prison.

28

1           149. Defendant State/ADC employees, specifically, but without limitation Lee,  
2 Woolsey, Patton, Mellecker, Anderson and/or Green, wholly failed to perform their job duties  
3 and/or demonstrated a pattern of indifference to their job duties to ensure ASP-Kingman was  
4 operated in a safe, secure and orderly manner by Defendant MTC. Such failures resulted in  
5 an atmosphere of incompetence at ASP-Kingman and put the prison at risk for security  
6 breaches, including but not limited to, inmate escapes.  
7

8           150. Defendant State/ADC failed to give notice to the Legislature, the Mohave  
9 Board of Supervisors and/or the general public regarding the changes in classification of the  
10 inmate population of ASP-Kingman, including but not limited to, the influx of violent and  
11 dangerous “medium-custody” classified inmates.  
12

13           151. The expansion of ASP-Kingman to begin housing violent criminals occurred  
14 under the governorship of Jan Brewer, whose political agenda favored a substantial expansion  
15 of the privatization of the Arizona prison system to the benefit of corporate private prison  
16 special interests.  
17

18           152. As a result of the Defendant State/ADC’s grossly negligent acts and omissions,  
19 generally and/or as referenced herein and taken collectively and/or individually,  
20 three dangerous convicted murderers escaped ASP-Kingman on July 30, 2010.  
21

22           153. As a result of the Defendant State/ADC’s grossly negligent acts and omissions,  
23 generally and/or as referenced herein and taken collectively and/or individually, the decedent,  
24 Linda Haas and her husband of 40 years, Gary Haas, were kidnapped, held against their will,  
25 tortured and brutally murdered on or about August 2, 2010, in New Mexico by escaped  
26 inmates from ASP-Kingman prison.  
27  
28

1           154. The Defendant State/ADC's grossly negligent acts and omissions, taken  
2 collectively and/or individually, permitted the escapes of three convicted murderers from  
3 ASP-Kingman on July 30, 2010, and directly caused and/or contributed to the decedent,  
4 Linda Haas, and her husband of 40 years, Gary Haas, sustaining permanent, irreversible  
5 severe bodily injuries, conscious physical and emotional pain and suffering, fear, agony and  
6 death on or about August 2, 2010, in New Mexico.  
7

8           155. The foregoing acts and/or omissions of Defendant State/ADC, taken  
9 collectively and/or individually, amount to gross negligence and were a direct and proximate  
10 cause of the damages sustained by the Plaintiffs; the decedent, Linda Haas, deceased, and the  
11 surviving beneficiaries of the decedent. Thus, under applicable law, Plaintiffs are entitled to  
12 recover the following damages:  
13

- 14
- 15           a) damages for the expenses incurred for the Linda Haas' funeral and burial;
  - 16           b) damages for pain and suffering Linda Haas experienced between the  
17 time of the kidnapping until her death;
  - 18           c) damages for the fear and mental anguish Linda Haas suffered between  
19 the time of the kidnapping until her death;
  - 20           d) damages for the value of Linda Haas' life;
  - 21           e) damages for the aggravating circumstances attending the wrongful  
22 conduct of the Defendants;
  - 23           f) damages to Cathy Byus for her emotional distress caused by the loss of  
24 society, guidance and companionship of her mother, Linda Haas;
  - 25           g) damages to Cathy Byus for the loss of love, affection, companionship,  
26 care, protection and guidance of her mother, Linda Haas;
  - 27           h) damages to Cathy Byus for the pain, grief, sorrow, anguish, stress, shock  
28 and mental suffering suffered as a result of the loss of her mother;

- 1 i) damages to Cathy Byus for the income, services and future income and  
2 services lost as a result of the death of her mother;
- 3 j) damages for decedent's surviving mother, Lovie Perkins, for the loss of  
4 love, affection, companionship, care, protection and guidance of her only  
5 daughter, Linda Haas;
- 6 k) damages for Lovie Perkins for the pain, grief, sorrow, anguish, stress,  
7 shock and mental suffering suffered as a result of the loss of decedent;
- 8 l) damages for Lovie Perkins for the income, services and future income  
9 and services lost as a result of the death of her daughter;
- 10 m) damages to Talford Perkins, William Perkins and Sandra Roden,  
11 surviving siblings of Linda Haas, for their loss of relationship, emotional  
12 distress, grief and loss of companionship of Linda Haas; and
- 13 n) any and all other such damages this Court deems appropriate.

14 156. Proper and timely notice was given to the Defendant State/ADC pursuant to the  
15 provisions of A.R.S. §12-821.01, *et seq.* before filing this Complaint.

16 WHEREFORE, premises considered, the Plaintiffs, Cathy Byus, on behalf of Linda  
17 Haas' surviving beneficiaries and Cathy Byus and Talford Perkins, as Co-Personal  
18 Representatives of the Estate of Linda Haas, deceased, for their gross negligence claims  
19 hereby pray for judgment for compensatory damages as set forth above against the Defendant  
20 State/ADC, together with attorney fees, costs, interest and all other relief appropriate.

21  
22 **THIRD CAUSE OF ACTION**

23 **NEGLIGENCE/GROSS NEGLIGENCE CLAIMS AGAINST DEFENDANT**  
24 **DOMINION ASSET SERVICES, L.L.C.**

25 For purposes of Plaintiffs' Complaint, Plaintiffs reallege and incorporate by reference  
26 the facts and allegations contained in paragraphs 1 - 156, and further allege and state that,  
27 at all times pertinent hereto and/or at the time of initial construction and/or construction  
28

1 expansion of ASP-Kingman, Defendant Dominion Asset Services (“Dominion”) was  
2 negligent and/or grossly negligent, specifically, but without limitation, as follows:

3  
4 157. Upon information and belief, at all times relevant hereto, Defendant Dominion  
5 constructed and/or owned the following corporate entities which participated in the  
6 construction of ASP-Kingman prison in Kingman, Arizona: Mohave Correctional Properties,  
7 L.L.C.; Canam Construction, L.L.C. and/or MTC/Mohave Joint Venture, L.L.C.

8  
9 158. Upon information and belief, Defendant Dominion failed to adequately and  
10 appropriately construct ASP-Kingman prison in a safe and secure manner to prevent security  
11 breaches, including but not limited to, inmate escapes.

12  
13 159. Upon information and belief, Defendant Dominion failed to comply with design  
14 and construction policies and standards as specified in the ADC Physical Plant Standards  
15 Technical Manual, ADC design and construction guidelines and/or relevant regulatory  
16 requirements in designing and/or constructing ASP-Kingman in a safe and secure manner to  
17 prevent security breaches, including but not limited to, inmate escapes.

18  
19 160. Upon information and belief, Defendant Dominion failed to properly build and  
20 install the perimeter alarm system at the time the prison was constructed.

21  
22 161. Upon information and belief, Defendant MTC claims that Defendant Dominion  
23 (otherwise known as Mohave Correctional Properties) failed to properly build and install the  
24 perimeter alarm system at the time the prison was constructed.

25  
26 162. The foregoing acts and/or omissions of Defendant Dominion, taken collectively  
27 and/or individually, amount to negligence and/or gross negligence and were a direct and  
28 proximate cause of the damages sustained by the Plaintiffs; the decedent, Linda Haas,

1 deceased, and the surviving beneficiaries of the decedent. Thus, under applicable law,  
2 Plaintiffs are entitled to recover the following damages:

- 3
- 4 a) damages for the expenses incurred for the Linda Haas' funeral and burial;
- 5 b) damages for pain and suffering Linda Haas experienced between the  
6 time of the kidnapping until her death;
- 7 c) damages for the fear and mental anguish Linda Haas suffered between  
8 the time of the kidnapping until her death;
- 9 d) damages for the value of Linda Haas' life;
- 10 e) damages for the aggravating circumstances attending the wrongful  
11 conduct of the Defendants;
- 12 f) damages to Cathy Byus for her emotional distress caused by the loss of  
13 society, guidance and companionship of her mother, Linda Haas;
- 14 g) damages to Cathy Byus for the loss of love, affection, companionship,  
15 care, protection and guidance of her mother, Linda Haas;
- 16 h) damages to Cathy Byus for the pain, grief, sorrow, anguish, stress, shock  
17 and mental suffering suffered as a result of the loss of her mother;
- 18 i) damages to Cathy Byus for the income, services and future income and  
19 services lost as a result of the death of her mother;
- 20 j) damages for decedent's surviving mother, Lovie Perkins, for the loss of  
21 love, affection, companionship, care, protection and guidance of her only  
22 daughter, Linda Haas;
- 23 k) damages for Lovie Perkins for the pain, grief, sorrow, anguish, stress,  
24 shock and mental suffering suffered as a result of the loss of decedent;
- 25 l) damages for Lovie Perkins for the income, services and future income  
26 and services lost as a result of the death of her daughter;
- 27 m) damages to Talford Perkins, William Perkins and Sandra Roden,  
28 surviving siblings of Linda Haas, for their loss of relationship, emotional  
distress, grief and loss of companionship of Linda Haas; and
- n) any and all other such damages this Court deems appropriate.

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163. The foregoing acts and/or omissions of Defendant Dominion were grossly negligent and/or were reckless and malicious such as to show a thoughtless, wanton and total disregard for the health and safety of Linda Haas, deceased, and the public in general. Therefore, punitive damages are appropriate against the Defendant Dominion.

164. Through its egregious failure to meet its duty of care to the general public, Defendant acted to serve its own interests while having reason to know, and consciously disregarded a substantial risk that its conduct might significantly injure the rights of others, such as the decedent, Linda Haas, for which Plaintiff is entitled to punitive damages.

WHEREFORE, premises considered, the Plaintiffs, Cathy Byus, on behalf of Linda Haas' surviving beneficiaries and Cathy Byus and Talford Perkins, as Co-Personal Representatives of the Estate of Linda Haas, deceased, for their negligence/gross negligence claims, hereby pray for judgment for compensatory damages against the Defendant and for their gross negligence claims hereby pray for punitive damages against the Defendant, to deter Defendant and others similarly situated from a like course of conduct in the future, together with attorney fees, costs, interest and all other relief appropriate.

DATED this 17th day of March, 2011.

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