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6 Pro Pers Plaintiffs

7 UNITED STATES FEDERAL DISTRICT COURT  
8 FOR THE DISTRICT OF ARIZONA

9 Reverend John W. Stone  
10 Shirley D. Stone,  
11 Plaintiffs

FIRST AMENDED CIVIL COMPLAINT

CASE NO: CV25-04158-PHX-SMB

12 V.

13 Arizona Governor Kathleen Marie Hobbs,  
14 Arizona Attorney General Kristin Mayes, El  
15 Mirage, AZ Police Chief Paul Marzocca, El  
16 Mirage Police Sergeant Matthew Jacobs, Mesa,  
17 AZ Police Officer Damian K. Ryden, El Mirage  
18 Mayor Alexis Hermosilla, El Mirage Municipal  
19 Court Judge Michael Parascandola, CubeSmart,  
20 a Maryland Real Estate Investment Trust,  
21 Metropolitan Life Insurance Company,  
22 Maricopa County Superior Court Judge Melissa  
23 Zabor, Maricopa County Superior Court Judge  
24 Jennifer Ryan-Touhill, Maricopa County  
25 Superior Court Michael Herrod, Sarea Laron  
26 McCree, Brittany Houston, Heiress Dupree,  
Jane and John Does, I-20, all Arizona State  
Government Officials are being sued in their  
Official and Individual Capacity.

WRONGFUL DEATH, CIVIL RIGHTS,  
U.S.C. 42 § 1983, FALSE  
IMPRISONMENT, AGGRAVATED  
ASSAULT, KIDNAPPING, CIVIL RIGHTS  
CONSPIRACY, 42 U.S.C. § 1985,  
EMPLOYEE RETIREMENT INCOME  
SECURITY ACT OF 1974 (ERISA), 29  
U.S.C. § 1001 et seq.,  
CUSTODIAL INTERFERENCE,  
CONTESTING BENEFICIARY, CRUEL  
AND UNUSUAL PUNISHMENT,  
INSURANCE FRAUD, CHILD AND  
VULNERABLE ADULT ABUSE, ELDER  
ABUSE, NEGLIGENCE INTENTIONAL  
AND INTENTIONAL AFFLICTION OF  
EMOTIONAL DISTRESS, TORTS,  
TORTIOUS INTERFERENCE, BREACH  
OF FIDUCIARY DUTY

Defendants

Jury Trial Requested.

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## COMPLAINT FOR WRONGFUL DEATH AND DAMAGES

Plaintiffs Reverend John and Reverend Shirley Durden Stone are the parents of the decedent, Timothy Paul Stone, allege and aver the following based upon personal knowledge as to facts known to them and upon information and belief as to all other matters.

### JURISDICTION AND VENUE

1. This Court's Jurisdiction arises under **28 U.S.C. § 1343**, for this complaint alleges the deprivation of constitutional and or federal rights under color of state law, and **28 U.S.C. §§ 1331 and 1332**, based on the facts that the damages are above \$75,000.00, and defendants Sarea McCree and Heiress Dupree are believed to be residents of Nevada.
2. This Court's Jurisdiction and legal basis to hear this case falls under **42 U.S.C. §§ 1983 and 1985**, as the acts complained of were committed by defendant Arizona State Officials acting "under color of state law".
3. "This Court also has jurisdiction under 29 U.S.C. § 1132(e) (ERISA), as this action seeks benefits and enforcement of rights under an employee benefit plan."
4. This Court's Jurisdiction also arises under **28 U.S.C. § 1367**, all the plaintiffs' causes of action arise from the same facts.
5. Venue in this action is properly situated in the Unites States District Court for the District of Arizona, pursuant to **28 U.S.C. §§ 1391(b) and (e)**, because substantial number of defendants reside in Arizona, and a substantial part of the events giving rise to this complaint occurred in Arizona.

### PARTIES

6. **Plaintiff Reverend John W. Stone** is the biological father of the decedent, Timothy Paul Stone, and a resident of Phoenix, Arizona.
7. **Plaintiff Shirley D. Stone** is the biological mother of the decedent, Timothy Paul Stone, and a resident of Phoenix, Arizona.
8. **Defendant Kathleen Marie Hobbs** is the Governor of the State of Arizona, sued in her official and individual capacity.

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- 9. **Defendant Kristin Mayes** is the Attorney General of the State of Arizona, sued in her official and individual capacity.
- 10. **Defendant Alexis Hermosilla** is the Mayor of El Mirage, Arizona, sued in her official and individual capacity.
- 11. **Defendant Paul Marzocca** is the Chief of Police for El Mirage, Arizona, sued in his official and individual capacity.
- 12. **Defendant Matthew Jacobs** is a Sergeant with the El Mirage Police Department, sued in his official and individual capacity.
- 13. **Defendant Michael Parascandola** is a Judge of the El Mirage Municipal Court, sued in his official and individual capacity.
- 14. **Defendant Damian K. Ryden** is a Police Officer with the Mesa Police Department, sued in his official and individual capacity.
- 15. **Defendant CubeSmart** is a Maryland Real Estate Investment Trust doing business in Arizona.
- 16. **Defendant Metropolitan Life Insurance Company (MetLife)** is a corporation doing business in Arizona.
- 17. **Defendant Melissa Zabor** is a Judge of the Maricopa County Superior Court, sued in her official and individual capacity.
- 18. **Defendant Jennifer Ryan-Touhill** is a Judge of the Maricopa County Superior Court, sued in her official and individual capacity.
- 19. **Defendant Michael Herrod** is a Judge of the Maricopa County Superior Court, sued in his official and individual capacity.
- 20. **Defendant Sarea Laron McCree** is the estranged wife of the decedent, Timothy Paul Stone, and a resident of Nevada.
- 21. **Defendant Brittany Houston** is a non-relative and former live-in babysitter for the decedent's children.
- 22. **Defendant Heiress Dupree** is the sister of Sarea Laron McCree and a resident of Nevada.

1 23. **Defendants Jane and John Does, I-20**, are individuals whose identities are presently  
2 unknown, but who participated in or contributed to the acts and omissions described  
3 herein.

4 24. **All Arizona State Government Officials** referenced herein are sued in their official and  
5 individual capacities.

6 **PRELIMINARY STATEMENT**

7  
8 25. Defendants, Governor Kathleen Hobbs, Attorney General Kristin Mayes, El Mirage Mayor  
9 Alexis Hermosillo, El Mirage Police Chief Paul Marzocca, Sergeant Matthew Jacobs, Judge  
10 Michael Parascandola, and the other named defendants, were formally notified over 200  
11 times of the ongoing kidnapping of the decedent's three minor children, the subsequent  
12 felony-murder, and the imminent danger to the children. Despite these repeated and  
13 urgent notifications, each defendant failed to take any meaningful action to rescue the  
14 children or prevent the murder of Timothy Paul Stone. Their collective inaction and  
15 deliberate indifference directly contributed to the tragic loss of life and the continued  
endangerment of the children.

16 26. The duty owed to the protected class of minor children and vulnerable adults in this case  
17 was heightened by the defendants' knowledge of the imminent danger. Defendants  
18 Police Chief Marzocca, Sergeant Jacobs, and other John and Jane Doe officers, acting  
19 under color of state law, took affirmative steps that increased the foreseeable risk to the  
20 decedent and his children, creating a "state-created danger" that directly resulted in the  
21 decedent's wrongful death. Their unconstitutional acts and omissions, coupled with  
22 willful intent and their responsibilities under the doctrine of respondeat superior, render  
23 Defendants Hobbs, Mayes, and Hermosillo liable for the resulting harm. The defendants'  
24 affirmative conduct continues to subject the children and plaintiffs to ongoing danger  
25 and a deadly situation, in violation of their constitutional rights and established duties  
under state and federal law.

26 27. Plaintiffs allege that all named defendants, acting individually and in concert, entered

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into an agreement and engaged in a coordinated scheme to deprive the decedent and plaintiffs of their constitutional rights, including equal protection and due process, in violation of 42 U.S.C. § 1985(3). The defendants’ acts and omissions—including but not limited to the failure to enforce protection orders, deliberate indifference to imminent danger, obstruction of justice, and manipulation of judicial proceedings—constitute overt acts in furtherance of the conspiracy. Plaintiffs further allege that the conspiracy was motivated by invidious, class-based discriminatory animus against the decedent and his children as members of a protected class under the Americans with Disabilities Act, and against plaintiffs as elderly individuals. As a direct and proximate result of this conspiracy, the decedent suffered wrongful death and plaintiffs suffered deprivation of rights, emotional distress, and financial harm.

- 28. On January 9, 2024, around 2 P.M., Defendant Brittany Houston, a non-relative and out of jail on bond for crimes against her own minor children, kidnapped the three minor children of Timothy Paul Stone, the decedent, and the children’s exclusive full custodial father two of which are special needs.
- 29. On January 9, 2024, around 2 A.M., the decedent, a type 1 diabetic, was rushed to the Boswell Hospital ICU suffering from a diabetic emergency condition that was caused by Houston who was also the decedent’s disgruntled live-in babysitter.
- 30. On January 2, 2024, the decedent had told defendant Houston that she was fired for abusing his children and her own and making various threats against him. Defendant Houston retaliated against the decedent by tampering with and concealing the decedent’s insulin.
- 31. On January 9, 2024, after getting the decedent out of his home Houston contacted defendant Sarea Laron McCree to get instructions on where to deliver the children.
- 32. Defendant McCree, the estranged wife of the decedent, had abused, neglected, endangered, and abandoned the children 10 months earlier. Court records listed McCree as a danger to the children and decedent and was under two separate Court Orders to stay away from the children and decedent.
- 33. As set forth herein, defendants Houston, McCree and her sister Heiress Dupree, were

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aided and relied on the active assistance, acquiescence, and wrongful acts of the other defendants named herein. This coordinated conduct directly contributed to the decedent's torturous death and the ongoing endangerment of the children and plaintiffs.

- 34. The children remain kidnapped and endangered.
- 35. **Over a period of fifty-four (54) days, beginning on January 9, 2024, and ending on March 2, 2024**, the decedent—a Type 1 diabetic recovering from a medical emergency—was subjected to a continuous and escalating series of unlawful actions and omissions by the Defendants. During this time, the decedent was also engaged in a desperate effort to rescue his three minor children from the control of the defendants.
- 36. The Defendants, acting individually and in concert, engaged in conduct that resulted in the deprivation of the children's and decedent's constitutional rights which ultimately led to his wrongful death.
- 37. The conduct at issue includes, but is not limited to: kidnapping; felony-murder, obstruction of justice; the filing of false police reports and misrepresentations; violation of court orders; manipulation of judicial proceedings; execution of void orders; interference with lawful custodial duties and responsibilities; abuse, neglect, and endangerment of both a child and a vulnerable adult; denial of due process; false imprisonment; failure to intervene; and deliberate indifference to serious medical and safety needs.
- 38. The defendants' deliberate indifference and failure to protect the decedent and his children directly resulted in his death.
- 39. Law enforcement and judicial failures contributed to the ongoing harm and denial of due process.
- 40. The plaintiffs, **Reverend John Stone and Reverend Shirley Stone** have standing to bring this action as the as the biological parents of the deceased, also referred to herein as decedent, **Timothy Paul Stone**, pursuant to Arizona's wrongful death statute, **A.R.S. § 12-612(A)**. Furthermore, the plaintiff has standing to pursue federal claims against each named defendant as set forth above herein, for the deprivation of the deceased's constitutional rights under **42 U.S.C. § 1983**.The plaintiffs also have standing to bring this

1 suit in their own individual capacity as victims of the defendants' wrongful conduct as set  
2 forth herein.

3 41. In **1992**, at the age of two, the decedent, **Timothy Paul Stone**, was diagnosed with **Type 1**  
4 **diabetes**, which he managed until his death on **March 2, 2024**.

5 42. In **2010**, the decedent and **Defendant Sarea Laron McCree** began living together; in  
6 **2017**, they were married by **Plaintiff Reverend John Stone**.

7 43. The decedent and McCree had **three boys** (2011–2020). In **2015**, their second oldest,  
8 **Timothy Paul Stone Jr.**, was diagnosed with **autism**. In **2022**, their third, **Marcel Stone**,  
9 was also diagnosed with autism.

10 44. The decedent and his two autistic children are members of a **protected class under the**  
11 **Americans with Disabilities Act**.

12 45. In **2012**, the decedent began working for **Cox Communications** and, at the time of his  
13 death, had risen to **Sales Engineer and Team Leader**.

14 46. Throughout their relationship, **Defendant McCree** was repeatedly admitted to **mental**  
15 **health and behavioral health centers**.

### 16 GENERAL ALLEGATIONS

17 47. On **February 2022**, the plaintiffs moved into the couple's home to assist with the children  
18 and the ongoing divorce process initiated by the decedent.

19 48. On **February 25, 2022**, McCree sent an urgent text to **Plaintiff Reverend John Stone**,  
20 stating she was leaving the decedent and "his boys," and that the plaintiffs needed to  
21 help raise the children.

22 49. In **March 2022**, the decedent, McCree, and the plaintiffs agreed: the decedent and  
23 McCree would divorce and share joint custody; the decedent would rent McCree another  
24 home; and the plaintiffs would share the current home with the decedent.

25 50. In **June 2022**, McCree became **hostile**, threatened suicide, and **assaulted the decedent**.  
26 The **Avondale Police** charged her with assault.

- 1 51. In **September 2022**, after months of **abusive behavior** by McCree, the plaintiffs were  
2 **illegally removed** from the home by McCree.
- 3 52. In **November 2022**, McCree attempted suicide twice in front of the children and  
4 decedent. The police intervened and admitted her to **St. Luke's Behavioral Center**.
- 5 53. On **December 18, 2022**, the decedent called **911** because McCree tried to provoke him  
6 into hitting her (which he never did). The **Avondale Police** arrested the decedent for  
7 breaking headphones he had purchased for her.
- 8 54. On **December 19, 2022**, McCree filed for a **protection order** against the decedent,  
9 naming herself and the children as plaintiffs. The order was granted while the decedent  
10 was in jail.
- 11 55. During the court proceeding, McCree falsely claimed the decedent was a threat to her  
12 and the children, despite him never having been violent.
- 13 56. On **January 6, 2023**, the decedent was forced to rent his own apartment.
- 14 57. On **January 17, 2023**, at a hearing, McCree admitted the decedent had not hit her. The  
15 judge dismissed the children from the order, leaving McCree as the only protected party.
- 16 58. On **February 1, 2023**, **DCS Specialist Michelle Ortiz** held an aftercare meeting, requiring  
17 both parents to support the children and McCree to continue therapy.
- 18 59. In **March 2023**, McCree petitioned to dismiss the protection order against the decedent  
19 without his knowledge.
- 20 60. On **March 22, 2023**, McCree deceived the decedent and children, dropped the children at  
21 his apartment, took the family car, and fled to **Las Vegas, Nevada**, to live with her sister,  
22 **Defendant Heiress Dupree**.
- 23 61. On **April 5, 2023**, during a call, McCree and Dupree threatened to kidnap the children  
24 and harm the decedent if he persisted in seeking support.
- 25 62. On **April 6, 2023**, fearing for his children's safety, the decedent filed for a **protection**  
26 **order** with **Judge Michael Parascandola**.
63. Judge Parascandola found credible threats of kidnapping and abuse by McCree and  
Dupree and issued **protection orders** listing the decedent and children as plaintiffs, and  
McCree and Dupree as defendants.

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- 64. **Deputy Sheriff Robert Wyant** attempted to serve McCree in Nevada, but she **intentionally evaded service.**
- 65. In **April 2023**, **Defendant Brittany Houston** (McCree’s friend) moved in with the decedent, claiming she needed help, and she would help with his children.
- 66. On **May 1, 2023**, **Judge Melissa Zabor** issued a **Paternity Order** stipulating that if either parent was absent for six months, the other would have full decision-making for the children.
- 67. In **October 2023**, **El Mirage Police Officers** wrongly suspected the decedent of DUI during a diabetic episode, impounded his car, and charged him. Bloodwork later proved he was not intoxicated.
- 68. On **November 1, 2023**, the decedent filed a **Petition for Termination of Parent-Child Relationship** against McCree.
- 69. On **December 6, 2023**, El Mirage Police arrested Houston for aggravated assault; charges were dropped, but she was found to have eight bench warrants for crimes against her own children.
- 70. On **January 2, 2024**, the decedent sought a protection order against Houston after catching her abusing his children and threatening him. **Judge Parascandola denied the petition.**
- 71. On **January 3, 2024**, the decedent’s insulin disappeared; on **January 5**, Houston found it, but it appeared tampered with.
- 72. On **January 9, 2024**, the decedent, believing Houston had poisoned him, was rushed to **Boswell Hospital ICU.**
- 73. That day, Houston appeared angry at the hospital, refused to return the decedent’s car keys, threatened him, and stole his car from the hospital parking lot.
- 74. Upon returning home, the decedent found his three children missing. Houston refused to cooperate; the decedent called **911.**
- 75. **Defendant Officer Matt Jacobs** and other El Mirage Police responded. The decedent made it crystal clear that Houston had no permission to give the children to anyone, especially McCree or Dupree.

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- 76. Despite knowing the decedent’s vulnerable status and the existence of protection orders, the police **failed to locate or rescue the children.**
- 77. On **January 10, 2024**, the decedent petitioned for a protection order against Houston, including the children as plaintiffs. Judge Parascandola acknowledged Houston’s unauthorized abduction and issued the order, but the children were already in McCree and Dupree’s custody.
- 78. On **January 15, 2024**, the decedent and plaintiff contacted El Mirage Police for updates. Officers confirmed the legitimacy of the protection orders and acknowledged the danger posed by the defendants but **advised against self-rescue.**
- 79. On **January 25, 2024**, the decedent and plaintiff filed an **Urgent Criminal Complaint** with **Governor Katie Hobbs** and **Attorney General Kristin Mayes** regarding police misconduct and the children’s danger.
- 80. On **January 29, 2024**, Governor Hobbs and Police Chief Marzocca responded, but Marzocca claimed the decedent was incapacitated when the children were taken and refused to intervene further.
- 81. On **February 1, 2024**, under extreme stress, the decedent threatened McCree if she did not return the children. McCree called **911**; **Mesa Police Officer Damian Ryden** threatened the decedent with harm if he tried to get the children.
- 82. On **February 21, 2024**, **Hot Shots Process Service** served McCree with the protection order at **CubeSmart Storage Facility** in Mesa, but she ignored it and kept the children.
- 83. On **March 2, 2024**, the plaintiffs were notified that the decedent was found deceased in his apartment.
- 84. On **March 4, 2024**, at a hearing, Judge Parascandola refused to rule on the decedent’s Emergency Motion and denied the plaintiffs the opportunity to present evidence of ongoing danger to the children, and that the children were never returned home.
- 85. After the decedent’s death, **MetLife** informed Plaintiff Reverend Stone that he and the decedent’s children were contingent beneficiaries on the decedent’s life insurance policy but required formal contestation of McCree’s claim.

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- 86. Despite extensive documentation and urgent communications, **MetLife** refused to disqualify McCree as beneficiary, citing the lack of supporting police reports.
- 87. Judges Zabor, Ryan-Touhill, and Herrod, along with other officials, failed to act on emergency motions and allowed the children to remain in danger.
- 88. As a direct and proximate result of the defendants’ wrongful actions—including **kidnapping, abuse, neglect, failure to enforce protection orders, and deliberate indifference**—the decedent’s diabetic condition was aggravated, leading to his death. The severe emotional distress inflicted by the defendants was ultimately fatal.
- 89. On **January 10, 2024**, Judge Parascandola acknowledged that on **January 9, 2024**, **Defendant Brittany Houston** abducted the children without authorization and unlawfully transported them in the decedent’s car to the dangerous and abusive defendants, **Sarea Laron McCree and Heiress Dupree**, who were previously ordered to stay away from the decedent and children.
- 90. On **January 10, 2024**, Judge Parascandola issued a protection order against Houston and ordered the **El Mirage Police** to immediately serve the order on Houston.
- 91. On **January 10, 2024**, Judge Parascandola issued the protection order to protect the plaintiff children, who he knew were already kidnapped victims of Houston.
- 92. On **January 10, 2024**, Judge Parascandola knew or should have known that Houston had already unlawfully transported and delivered the children to McCree and Dupree, who were under previous valid protection orders as defendants and posed a danger to the well-being of the children and decedent.
- 93. On **January 10, 2024**, after El Mirage Police Officers arrived at the decedent’s front door to serve Houston with the protection order, Houston told the decedent, “he would never see his kids again,” and he never did.
- 94. On **January 15, 2024**, the decedent and his father contacted **911** and the **El Mirage Police** to inquire about the progress of the ongoing investigation. Two John Doe Police Officers met with them at the apartment complex.

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95. During the encounter, both officers accessed their patrol unit’s computer system and confirmed the legitimacy of the protection orders issued by Judge Parascandola against McCree, Dupree, and Houston.

96. The officers verbally confirmed the legitimacy of the Protection Orders and acknowledged that the decedent and his children were listed as the petitioning plaintiffs, reinforcing the seriousness of the threat posed by the defendants.

97. The officers explicitly stated that the defendants represented a danger to the decedent and his children and affirmed that the Protection Orders prohibited the defendants from approaching or contacting the decedent and children.

98. During the conversation, the decedent and plaintiff informed the officers of their belief that the children were being held at a **CubeSmart Storage Facility in Mesa**. The officers strongly advised against attempting to rescue the children themselves, insisting that law enforcement was responsible for their rescue.

99. On **January 25, 2024**, the decedent and plaintiff, feeling helpless, drafted an **Urgent Criminal Complaint to Governor Katie Hobbs and Attorney General Kristin Mayes** regarding police misconduct and the danger the children were in, and had it notarized.

100. On **January 26, 2024**, the decedent and plaintiff officially noticed the complaint with an attached missing person’s poster to Governor Hobbs, Attorney General Mayes, El Mirage Police Chief Paul Marzocca, El Mirage Mayor Alexis Hermosillo, and others.

101. On **January 26, 2024**, the decedent and his father officially noticed the Certified Criminal Complaint by email to the defendants, and Plaintiff Reverend Stone hand-delivered the Certified Criminal to Attorney General Kristin Mayes.

102. On **January 29, 2024**, at 11:32 A.M., Governor Hobbs responded to the decedent and his father, promising to review the complaint and get back with them.

103. On **January 29, 2024**, after receiving Governor Hobbs’ response, Police Chief Marzocca responded to the same Certified Criminal Complaint by email.

104. On **January 29, 2024**, at 9:43 a.m., Police Chief Marzocca sent an email stating, “Mr. Stone I have my Investigations Bureau looking into this matter.”

- 1 105. On **January 29, 2024**, at 12:11 P.M., the decedent and his father responded to  
2 Marzocca's email, emphasizing that "two of the children are autistic and every minute  
3 that passes further ENDANGERS my CHILDREN!!!"
- 4 106. The decedent' and father's responsive email also included statutes and laws regarding  
5 the department's accomplice criminal liability for aiding the kidnapping, blocking the  
6 children's rescue, hindering the arrest of the kidnapers, and grossly violating the  
7 children's rights while obstructing justice.
- 8 107. On **January 29, 2024**, at 4:35 P.M., Police Chief Marzocca responded that Officer Matt  
9 Jacobs reported "that at the time the three minor children were taken without the  
10 decedent's permission the decedent was incapacitated." Jacobs further stated that the  
11 decedent asked him for advice.
- 12 108. Marzocca claimed that he and his department conducted a proper and thorough  
13 investigation and concluded that he would not rescue the children or apprehend the  
14 kidnapers.
- 15 109. The decedent and his father responded to Marzocca's second email with a detailed  
16 account of the kidnapping and charges pursuant to the law. There was no return reply.
- 17 110. On **February 1, 2024**, the decedent, in fear for his children's safety and under enormous  
18 stress, contacted McCree by phone and adamantly threatened her with harm if she hurt  
19 the kids any further and did not return the children at once.
- 20 111. On **February 1, 2024**, McCree called **911** and **Mesa Police Officer Damian Ryden** was  
21 dispatched to CubeSmart in Mesa. Ryden spoke with the decedent by phone and  
22 threatened him with physical harm if he tried to get the children, stating that he was in  
23 contact with El Mirage police and they agreed with his handling of the situation.
- 24 112. Shortly after, the decedent received a phone call from a John Doe Police Officer from El  
25 Mirage Police, threatening him with the same threat he received from Officer Ryden.
- 26 113. On **February 5, 2024**, and **February 13, 2024**, the decedent and his father drafted

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addendums to January 25, 2024, Certified Criminal Complaints and officially notified them out to the defendants, reiterating gross police misconduct and breach of duty.

114. On **February 21, 2024, Hot Shots Process Service** was able to get into the secure CubeSmart Storage Facility and serve McCree the April 6, 2023, Protection Order.

115. After being served, McCree ignored the order and continued to keep the children.

116. On **February 29, 2024**, since McCree hadn't returned the children, the decedent and father drafted and filed an Emergency Motion to rescue the children and address McCree's blatant violations of Judge Parascandola's protection order.

117. Judge Parascandola scheduled the hearing for **March 4, 2024**.

118. The decedent hoped to finally rescue his children at the March 4, 2024, hearing.

119. The decedent and his father were prepared to testify and present further evidence and charges against the defendants during the March 4, 2024, hearing.

120. On **March 2, 2024**, the plaintiffs received a phone call from one of the three defendants John Doe El Mirage Police Officers stating that they found the decedent in his apartment deceased.

121. On **March 4, 2024**, during the hearing, the plaintiffs in attendance informed McCree and Dupree, also in attendance along with Judge Parascandola of Timothy's death.

122. During the hearing, Judge Parascandola had before him his April 6, 2023, protection order, which was valid and officially served against McCree and Dupree, issued to specifically protect the three children and their now deceased full custodial father.

123. Judge Parascandola acknowledged but refused to rule on the decedent's Emergency Motion filed with his court as his final "Declarations" on February 29, 2024, and again on March 1, 2024, the day before his sudden death.

124. The plaintiffs were denied the opportunity to represent the fact that the children were still protected as plaintiffs under the protection orders and the law, and that the defendants sitting before the court, McCree and Dupree, and their accomplices, were guilty of grossly violating the orders and the children were now in an even more

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dangerous position.

125. McCree and Dupree further violated the protection orders and the law by keeping the children falsely imprisoned and not bringing them to court.

126. Judge Parascandola knew that he had issued the Protection Orders against McCree, Dupree, and Houston, and that the decedent and all three children were listed on the orders as separate Petitioning Plaintiffs.

127. The death of the decedent meant that as a matter of law the children were still protected by the Protection Orders from the very defendants that had kidnapped and were still holding them.

128. Judge Parascandola refused to address the state of the children and “elected” to violate his own Protection Orders by dismissing the Protection Order against McCree and denying the children further protection.

129. Plaintiff Shirley Stone pleaded with Judge Parascandola to address the rights of the children, and he told her that he was aware and would make a note of it in the record.

130. Judge Parascandola said that he did not have the jurisdiction to rule on McCree’s Protection Order Violations, including charges listed in the decedent’s Emergency Motion for child abandonment, kidnapping, false imprisonment of children, child and vulnerable adult abuse, neglect, endangerment, and other charges.

131. At the end of the hearing, Judge Parascandola ruled that he could only refer the plaintiffs to law enforcement.

**AFTER THE DECEDENT’S WRONGFUL DEATH**

132. On **March 9, 2024**, Ruby from **Cox Communications** phoned Plaintiff Reverend John Stone and gave him the phone number for **MetLife’s Group Life Department** representing the decedent’s policy.

133. On **March 11, 2024**, Plaintiff Reverend John Stone spoke with a MetLife representative who told him that he and the decedent’s children were the contingent beneficiaries listed on the life insurance policy.

1 134. The MetLife representative told Plaintiff Stone that if he wished to contest the  
2 beneficiary's claim to the death benefit, he would need to send a formal notarized letter  
3 to MetLife stating the reasons why the beneficiary should be disqualified.

4 135. On **March 13, 2024**, Defendant Sarea McCree posted on her Facebook Page that she  
5 "was kept from contacting my children for almost 10 months." This coincides with the  
6 exact time span from Judge Parascandola's Protection Order of April 6, 2023, to the  
7 January 9, 2024, kidnapping of the children by Houston, McCree, and Dupree.

8 136. McCree's post further demonstrates her knowledge of Judge Parascandola's protection  
9 order against her, which Clark County, NV Deputy Sheriff Robert Wyant tried five  
10 separate times to serve her.

11 137. On **March 18, 2024**, as requested by MetLife, Plaintiff Stone drafted, had notarized, and  
12 delivered a letter outlining why Defendant McCree should be disqualified from receiving  
13 any benefits related to the decedent.

14 138. On **March 25, 2024**, as requested by MetLife, the plaintiffs sent them an urgent email  
15 titled "CHILDREN IN DANGER! DANGER! DANGER!!!".

16 139. On **March 25, 2025**, Defendants Governor Hobbs, Attorney General Mayes, Mayor  
17 Alexis Hermsillo, and Police Chief Marzocca also received the urgent email, which set  
18 forth further documentation of circumstances surrounding the decedent's death.

19 140. On **April 10, 2024**, Plaintiff Stone received two phone calls from Defendant Heiress  
20 Dupree and one call from Defendant Sarea McCree.

21 141. Plaintiff Stone answered the first call from Dupree, who told him that "the decedent  
22 deserved his torturous death and that she was happy he was dead."

23 142. Plaintiff Stone let his voicemail take messages from Dupree's second call and McCree's  
24 only call that day.

25 143. Dupree's message included her statement that she was present with McCree on  
26 January 9, 2024, when they told Houston to kidnap the children and transport them to

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McCree and Dupree.

144. Dupree’s message also stated that she and McCree were in possession of all the evidence sent to MetLife regarding the crimes alleged to disqualify McCree from benefitting from the decedent.

145. McCree’s message to Plaintiff Stone stated that “she knew that the decedent was going to die.”

146. On **April 16, 2024**, Plaintiff Stone received a formal letter from MetLife stating that they had received, reviewed, and were continuing to review the documentation regarding the decedent’s death and the role of the beneficiary.

147. The letter from MetLife encouraged Plaintiff Stone to continue sending all documentation and allegations regarding the death and the beneficiary’s involvement.

148. The letter also stated that MetLife needed Stone to send them the death certificate and that until then, they would hold the death benefits “in a Liability (or holding) Account.”

149. On **May 14, 2024**, the decedent’s Death Certificate was issued by the state, and shortly after, Plaintiff Reverend Stone sent a stamped copy by USPS to MetLife and emailed them a copy as well.

150. On **June 23, 2024**, Defendant McCree posted on Facebook, “Being a widowed mother of three boys (2w/ special needs) while dealing with my own PTSD, ANXIETY, AND DEPRESSION...”

151. In **June 2024**, MetLife told Plaintiff Stone that if he filed a wrongful death and contesting beneficiary lawsuit against Defendant McCree, the **Slayer Law** would prevent her from benefitting from the decedent’s estate.

152. On **July 26, 2024**, Plaintiff Stone filed the wrongful death and contesting beneficiary complaint with the Maricopa County Superior Court, and it was assigned to Judge Michael Herrod.

153. On **July 26, 2024**, as requested by MetLife, Plaintiff Stone sent by USPS a court-stamped

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copy of the wrongful death and contesting beneficiary complaint.

154. **August 8, 2024**, to rescue the children and have the defendants arrested for the ongoing kidnapping and torturous death of the decedent, the plaintiffs filed **eight Emergency Motions** with Judge Herrod.

155. On **August 8, 2024**, plaintiffs sent by USPS and/or email, Defendants MetLife, Governor Hobbs, Attorney General Mayes, and others, a full copy of the eight Emergency Motions.

156. On **August 9, 2024**, Judge Ryan-Touhill, acting on behalf of Judge Herrod, denied the eight Emergency Motions for “No Good Cause Showing.”

157. On the same day, unknown to the plaintiffs, Judge Ryan-Touhill and Judge Herrod met with Judge Zabor and together decided to treat Judge Ryan-Touhill’s order as void denying the eight Emergency Motions.

158. During a meeting, Judges Zabor, Ryan-Touhill, and Herrod disregarded Judge Ryan-Touhill’s order and elected instead to revive the eight Emergency Motions by “Finding Good Cause” and setting up a hearing between the plaintiffs and Defendant McCree.

159. From **March 11, 2024**, through **September 11, 2024**, Defendant MetLife and Plaintiff Reverend John Stone had spoken by phone over 20 times and had sent, received, and responded to a combined total of over 150 documents through email and USPS.

160. On **September 11, 2024**, MetLife sent Plaintiff Stone a letter stating that after months of reviewing and investigating the plaintiff’s evidence to disqualify the beneficiary, Defendant Sarea McCree, because the El Mirage Police Report did not list the allegations, they would not disqualify McCree.

161. On **September 12, 2024**, Judge Zabor held a telephonic hearing with the plaintiffs and Defendant McCree to discuss the eight Emergency Motions in the format planned by Judges Zabor, Ryan-Touhill, and Herrod.

162. The hearing reflected more of an illegal negotiation with the kidnappers represented by Defendant McCree. The hearing obstructed the criminal referral to the proper

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authorities, blocked the release of the children, prevented the capture of the defendants, blocked the attempt to vacate Judge Parascandola’s order, defrauded the plaintiffs and MetLife, obstructed justice, and furthered the miscarriage of justice.

163. Judge Zabor spoke with Defendant McCree and encouraged her to keep herself and the children concealed in Nevada. Judge Zabor spoke with the plaintiff and attempted to extort over \$300.00 in fees to be allowed to see the children.

164. The defendants’ kidnapping of the decedent’s three minor children, followed by the false police report, misconduct, aggravated assault, and vulnerable adult abuse against the decedent, caused his death and the continuation of the kidnapping.

165. As a direct and proximate result of the defendants’ wrongful actions, the decedent sustained injuries that aggravated his diabetic condition and caused his blood sugars to stay elevated over 800, which led to his death. The severe emotional distress served upon the decedent by the defendants, in violation of **A.R.S. 13-3623**, became overburdensome and ultimately deadly.

**Personal Injuries, Elder Abuse, and Civil Rights Violations Inflicted on Plaintiffs**

166. Plaintiffs Reverend John W. Stone, age **69**, and Shirley D. Stone, age **75**, are elderly individuals who have suffered distinct and substantial damages because of the defendants’ conduct.

167. Following the death of Timothy Paul Stone, Plaintiffs were led by **MetLife** to believe that they, along with the decedent’s children, were the **contingent beneficiaries** of his life insurance policy.

168. Despite repeated assurances and extensive documentation provided to MetLife, Plaintiffs have been **wrongfully denied access to life insurance funds** that were intended for their support and the support of the decedent’s children.

169. The wrongful withholding and/or theft of these life insurance proceeds has caused Plaintiffs severe financial hardship, emotional distress, and has jeopardized their ability

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to care for the decedent’s minor children, two of whom have special needs.

170. Plaintiffs’ advanced age and limited earning capacity have made the loss of these funds especially devastating, compounding the emotional and financial harm caused by the defendants’ actions.

171. After the death of Timothy Paul Stone, Plaintiffs filed an initial wrongful death complaint and **eight separate emergency motions** seeking to rescue the children, refer the defendants to the proper authorities, and contest the beneficiary of the life insurance policy.

172. **Judges Melissa Zabor, Jennifer Ryan-Touhill, and Michael Herrod** interfered with Plaintiffs’ initial wrongful death action by orchestrating and rigging a hearing that obstructed the emergency motions, blocked the referral of defendants to law enforcement, and prevented the release of the children.

173. As a direct result of this judicial interference and manipulation, Plaintiffs were forced to **withdraw their first wrongful death complaint before it was served**, suffering significant emotional distress, heartache, and loss of faith in the judicial process.

174. The actions of these judges deprived Plaintiffs of their right to due process, obstructed justice, and compounded the trauma and suffering already inflicted by the defendants.

**CONCLUSION**

175. Defendants Brittany Houston, Sarea Laron McCree, and Heiress Dupree abducted the children with the deliberate intent of permanently depriving the decedent, the full custodial and decision-making parent, of his parental rights and access. In executing this scheme, they relied on the active assistance, acquiescence, and wrongful acts of the other defendants named herein. This coordinated conduct directly contributed to the decedent’s death and the ongoing endangerment of the children.

**176. The Continuing Kidnapping as a Continuing Offense and Aggravating Factor**

177. Plaintiffs allege that the kidnapping of the three minor children on January 9, 2024, was not a single isolated act but a continuing offense under both federal and Arizona law.

1 The children remain unlawfully detained, and each day of their captivity constitutes a  
2 new violation of law and a continuing deprivation of their constitutional rights. This  
3 prolonged abduction was used as leverage to inflict extreme emotional distress on the  
4 decedent, Timothy Paul Stone, ultimately contributing to his torturous death. The  
5 ongoing nature of this crime magnifies its severity and demonstrates deliberate  
6 indifference and conspiracy among the defendants to obstruct justice, violate court  
7 orders, and perpetuate harm to vulnerable victims.

8 **Applicable Statutes**

9 178.18 U.S.C. § 1201 – Kidnapping (federal jurisdiction applies when victims are transported  
10 across state lines or when interstate facilities are used).

11 179.18 U.S.C. § 241 – Conspiracy against rights (criminal conspiracy to deprive constitutional  
12 rights).

13 180.18 U.S.C. § 242 – Deprivation of rights under color of law.

14 181.18 U.S.C. § 1503, § 1512, § 1519 – Obstruction of justice and tampering with  
15 evidence/witnesses.

16 182. A.R.S. § 13-1304 – Kidnapping (continuing offense).

17 183.A.R.S. § 13-1302 – Custodial interference.

18 184.A.R.S. § 13-3623 – Child and vulnerable adult abuse.

19 185.A.R.S. § 13-2409 – Obstructing criminal investigations or prosecutions.

20 186.A.R.S. § 13-2510–2512 – Hindering prosecution.

21 **COUNT I: WRONGFUL DEATH (A.R.S. § 12-612(A))**

22 187. **Against:** Sarea Laron McCree, Brittany Houston, Heiress Dupree, Governor Katie Hobbs,  
23 Attorney General Kristin Mayes, Judge Michael Parascandola, El Mirage Mayor Alexis  
24 Hermosillo, El Mirage Police Chief Paul Marzocca, Officer Matt Jacobs, Mesa Police  
25 Officer Damian K. Ryden, Judges Melissa Zabor, Jennifer Ryan-Touhill, Michael Herrod,  
26 CubeSmart, and John and Jane Doe Defendants to be named later.

188. **Factual Allegations:** Defendants, through acts and omissions including kidnapping,  
abuse, neglect, failure to enforce protection orders, and deliberate indifference, directly

1 and proximately caused the death of Timothy Paul Stone. The decedent's diabetic  
2 condition was aggravated by severe emotional distress and physical harm, resulting in his  
3 death. As a matter of law, the children are still kidnapped and false imprisoned victims  
4 and should be released.

5 **189. Legal Basis:** Arizona Revised Statutes § 12-612(A) provides a cause of action for  
6 wrongful death where the death is caused by the wrongful act or neglect of another.

7 **190. Damages Sought:** Plaintiffs seek compensatory and punitive damages in excess of  
8 \$75,000.

9 **COUNT II: CIVIL RIGHTS VIOLATIONS (42 U.S.C. § 1983)**

10 **191. Against:** All Arizona State Officials and law enforcement defendants named above, and  
11 defendants McCree, Houston, Dupree, CubeSmart and MetLife.

12 **192. Factual Allegations:** Defendants, acting under color of state law, including all of the acts  
13 and omissions committed by non-government officials, whose acts and omissions are  
14 part of and closely related to the acts and omissions of the government officials, making  
15 all acts and omissions of all the defendants as being committed under color of state law.  
16 All defendants deprived the decedent and plaintiffs of constitutional rights, including due  
17 process, equal protection, and protection from harm. Defendants failed to intervene,  
18 ignored protection orders, and obstructed justice. Defendants, including Judges Zabor,  
19 Ryan-Touhill, and Herrod, acting under color of state law, interfered with Plaintiffs' right  
20 to pursue their wrongful death claim and emergency motions, obstructed justice, and  
21 deprived Plaintiffs of due process, resulting in severe emotional distress and procedural  
22 harm.

23 **193. Legal Basis:** 42 U.S.C. § 1983 provides a remedy for deprivation of rights under color of  
24 state law.

25 **194. Damages Sought:** Plaintiffs seek compensatory and punitive damages.  
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**COUNT III: FALSE IMPRISONMENT & KIDNAPPING**

195. **Against:** Sarea Laron McCree, Brittany Houston, Heiress Dupree, CubeSmart, and all the other defendants.

196. **Factual Allegations:** Defendants unlawfully removed and detained the decedent’s children, ignored and violated valid court orders, Constitutional Safeguards, and kept the children in dangerous conditions, constituting false imprisonment and kidnapping. As a matter of law, the children are still kidnapped and false imprisoned victims and should be released.

197. **Legal Basis:** Arizona law and federal law prohibit kidnapping and false imprisonment.

198. **Damages Sought:** Plaintiffs seek compensatory and punitive damages.

**COUNT IV: CONSPIRACY (42 U.S.C. § 1985)**

199. **Against:** Sarea Laron McCree, Brittany Houston, Heiress Dupree, and all the other defendants as alleged.

200. **Factual Allegations:** Defendants coordinated actions to kidnap children, obstruct justice, and conceal crimes, acting in concert to deprive plaintiffs and decedent of their rights. Judges Zabor, Ryan-Touhill, Parascandola, and Herrod, along with all the other defendants, conspired to obstruct Plaintiffs’ emergency motions and wrongful death action, coordinated with other defendants to block the referral of criminal conduct to law enforcement, and furthered the concealment of the children and the miscarriage of justice. As a matter of law, the children are still kidnapped and false imprisoned victims and should be released.

201. **Legal Basis:** 42 U.S.C. § 1985 prohibits conspiracies to interfere with civil rights.

202. **Damages Sought:** Plaintiffs seek compensatory and punitive damages.

1 **COUNT V: CUSTODIAL INTERFERENCE**

2 203. **Against:** Sarea Laron McCree, Brittany Houston, Heiress Dupree, and all the other  
3 defendants.

4 204. **Factual Allegations:** Defendants interfered with lawful custody and parental rights by  
5 abducting and concealing the children. As a matter of law, the children are still  
6 kidnapped and false imprisoned victims and should be released.

7 205. **Legal Basis:** Arizona law prohibits custodial interference.

8 206. **Damages Sought:** Plaintiffs seek compensatory and punitive damages.

9 **COUNT VI: INSURANCE FRAUD & CONTESTING BENEFICIARY**

10 207. **Against:** Sarea Laron McCree, MetLife, and all the other defendants.

11 208. **Factual Allegations:** Defendant McCree made fraudulent claims to life insurance  
12 benefits, while MetLife and all the other defendants, despite overwhelming evidence of  
13 wrongdoing, failed to properly investigate, which would have disqualified her as  
14 beneficiary.

15 209. **Damages Sought:** Plaintiffs seek compensatory damages for the loss of life insurance  
16 proceeds, punitive damages for MetLife's bad faith and fraudulent conduct, and any  
17 other relief the Court deems just and proper.

18 210. **Legal Basis:** Arizona law and the Slayer Statute prohibit beneficiaries from profiting  
19 from wrongful acts.

20 211. Defendant MetLife's actions, and those of the other defendants, have caused and  
21 continue to cause direct financial harm to Plaintiffs, who are elderly and were named  
22 contingent beneficiaries. The wrongful denial and withholding of life insurance funds has  
23 resulted in severe financial and emotional distress, particularly given Plaintiffs' age and  
24 their responsibility for the care of the decedent's minor children.

25 212. **Damages Sought:** Plaintiffs seek disqualification of McCree as beneficiary and  
26 compensatory damages.



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- MetLife’s conduct constitutes financial exploitation and elder abuse by failing to release benefits owed under the policy and by disregarding its fiduciary obligations.

**Damages Sought**

**Plaintiffs seek:**

- Compensatory damages for financial losses and emotional distress,
- Punitive damages against all defendants except where prohibited by ERISA,
- Equitable relief to ensure payment of benefits and prevent further exploitation,
- Any other relief the Court deems just and proper.

**COUNT VIII: NEGLIGENCE & INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

213. **Against:** All defendants as applicable.

214. **Factual Allegations:** Defendants’ grossly negligent and intentional acts caused severe emotional and physical harm to the decedent and plaintiffs. The judicial interference and manipulation of Plaintiffs’ initial wrongful death complaint caused Plaintiffs, both elderly and vulnerable, severe emotional distress, heartache, and loss of faith in the legal system.

215. **Legal Basis:** Arizona law provides remedies for negligence and intentional infliction of emotional distress.

216. **Damages Sought:** Plaintiffs seek compensatory and punitive damages.

**COUNT IX: TORTIOUS INTERFERENCE & BREACH OF FIDUCIARY DUTY**

217. **Against:** Sarea McCree, MetLife, and all other defendants as applicable.

218. **Factual Allegations:** Defendants interfered with legal rights and duties owed to plaintiffs and decedent, including obstruction of insurance benefits and judicial protection.

219. **Legal Basis:** Arizona law prohibits tortious interference and breach of fiduciary duty.

220. **Damages Sought:** Plaintiffs seek compensatory and punitive damages.



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- (a) A wrongful denial of benefits under 29 U.S.C. § 1132(a)(1)(B); and
- (b) A breach of fiduciary duty under 29 U.S.C. § 1104 by failing to act solely in the interest of plan participants and beneficiaries, and by failing to discharge its duties with care, skill, prudence, and diligence.
- MetLife’s fiduciary duty under ERISA did not terminate upon the death of Timothy Paul Stone. As the plan administrator and insurer, MetLife owed a continuing duty to act solely in the interest of the decedent’s beneficiaries and to ensure that benefits were paid to the correct person(s) in accordance with the plan terms and applicable law. This duty required MetLife to exercise care, skill, prudence, and diligence in adjudicating the beneficiary contest and preventing wrongful payment, consistent with 29 U.S.C. § 1104(a)(1). MetLife’s failure to fulfill this ongoing obligation constitutes a breach of fiduciary duty under ERISA.

7. MetLife ignored evidence that Defendant McCree should be disqualified under applicable law and plan terms and failed to apply the Slayer Statute principles to prevent a beneficiary from profiting from wrongful acts.

8. Plaintiffs seek equitable relief under ERISA to enforce plan terms consistent with federal law and applicable state Slayer statutes.

**Legal Basis**

- Under 29 U.S.C. § 1132(a)(1)(B), a beneficiary may bring a civil action to recover benefits due under the terms of an employee benefit plan, to enforce rights under the plan, or to clarify rights to future benefits.
- Under 29 U.S.C. § 1104, MetLife, as plan administrator, owes fiduciary duties to act solely in the interest of plan participants and beneficiaries and to discharge its duties with care, skill, prudence, and diligence.

1 **Damages and Relief Sought**

2 **Plaintiffs seek:**

- 3 • Payment of all life insurance benefits due under Group Life Insurance Policy No:  
4 22403005713,
- 5 • Disqualification of Defendant Sarea Laron McCree as beneficiary under the policy  
6 pursuant to applicable law and plan terms,
- 7 • Attorney’s fees and costs as provided by ERISA (29 U.S.C. § 1132(g)),
- 8 • Equitable relief to enforce plan terms and prevent unjust enrichment,
- 9 • Any other relief the Court deems just and proper.

10 **COUNT XI: CHILD EXPLOITATION AND ABUSE**

11 **Against:** Sarea Laron McCree, Brittany Houston, Heiress Dupree, Governor Katie Hobbs,  
12 Attorney General Kristin Mayes, Judge Michael Parascandola, El Mirage Mayor Alexis  
13 Hermosillo, El Mirage Police Chief Paul Marzocca, Officer Matt Jacobs, Mesa Police  
14 Officer Damian K. Ryden, Judges Melissa Zabor, Jennifer Ryan-Touhill, Michael Herrod,  
15 CubeSmart, Metropolitan Life Insurance Company, and John and Jane Doe Defendants  
16 to be named later.

17 **Factual Allegations:**

- 18 1. The minor children of the decedent, Timothy Paul Stone, including two children  
19 with special needs, are members of a protected class under federal and state law,  
20 including the Americans with Disabilities Act and Arizona’s child protection  
21 statutes.
- 22 2. Defendants McCree, Houston, and Dupree, acting individually and in concert,  
23 abducted, concealed, and falsely imprisoned the children, subjecting them to  
24 ongoing danger, trauma, and deprivation of parental care. These acts were  
25 executed with deliberate intent to permanently deprive the decedent of his  
26 parental rights and access to his children.

- 1 3. Defendants, including state officials and law enforcement, were repeatedly  
2 notified of the imminent danger to the children, the existence of valid protection  
3 orders, and the ongoing kidnapping. Despite over 200 formal notifications, each  
4 defendant failed to intervene, rescue, or protect the children, demonstrating  
5 deliberate indifference and reckless disregard for their safety and well-being.
- 6 4. Defendants McCree and Dupree, in violation of multiple court orders, continued  
7 to hold the children in dangerous conditions, obstructed their rescue, and  
8 actively concealed their whereabouts. Defendant Houston, with a history of  
9 crimes against children, facilitated the abduction and exposed the children to  
10 further harm.
- 11 5. Law enforcement officers and judicial officials, including Judges Parascandola,  
12 Zabor, Ryan-Touhill, and Herrod, failed to enforce protection orders, denied  
13 emergency motions, and obstructed the referral of criminal conduct to proper  
14 authorities, thereby perpetuating the children's exploitation and abuse.
- 15 6. Defendant MetLife, despite being notified of the children's ongoing danger and  
16 the plaintiffs' status as contingent beneficiaries, wrongfully withheld life  
17 insurance funds intended for the children's support, exacerbating their  
18 vulnerability and depriving them of essential resources.
- 19 7. The children remain kidnapped, endangered, and deprived of their rights, safety,  
20 and familial support as a direct and proximate result of the defendants'  
21 coordinated and depraved conduct.

22 **Legal Basis:**

- 23 • Arizona Revised Statutes § 13-3623 prohibits abuse, neglect, and endangerment  
24 of children and vulnerable adults.
- 25 • Arizona Revised Statutes § 46-451 et seq. defines exploitation and wrongful  
26 deprivation of property or funds belonging to vulnerable children.

- 1 • 42 U.S.C. § 1983 and § 1985 provide remedies for deprivation of constitutional  
2 rights and conspiracy to interfere with civil rights.  
3 • The Americans with Disabilities Act protects children with special needs from  
4 discrimination and harm.

5 **Damages and Relief Sought:**

6 **Plaintiffs seek:**

- 7 • Compensatory damages for physical, emotional, and psychological harm inflicted  
8 upon the children,  
9 • Punitive damages against all defendants for their egregious, willful, and depraved  
10 conduct,  
11 • Equitable and injunctive relief to secure the immediate rescue and protection of  
12 the children,  
13 • Disqualification of Defendant Sarea Laron McCree as beneficiary of any estate or  
14 insurance proceeds,  
15 • Any other relief the Court deems just and proper.

16 **COUNT XII: VIOLATION OF THE EIGHTH AMENDMENT—CRUEL AND UNUSUAL**  
17 **PUNISHMENT (42 U.S.C. § 1983)**

18 **Against:**

19 All government officials and law enforcement defendants named above,  
20 including but not limited to Kathleen Marie Hobbs, Kristin Mayes, Paul Marzocca,  
21 Matthew Jacobs, Alexis Hermosilla, Michael Parascandola, Damian K. Ryden,  
22 Melissa Zabor, Jennifer Ryan-Touhill, Michael Herrod, and all John and Jane Doe  
23 defendants to be named later.

24 **Factual Allegations:**

25 Defendants, acting under color of state law, subjected the decedent, Timothy  
26 Paul Stone, and plaintiffs, Reverend John W. Stone and Shirley D. Stone, to cruel

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and unusual punishment by:

- Deliberately ignoring repeated warnings and valid protection orders regarding the imminent danger to the decedent’s children.
- Encouraging, assisting, or acquiescing in the kidnapping and false imprisonment of the children, resulting in ongoing trauma, emotional distress, and ultimately the death of Timothy Paul Stone.
- Failing to intervene, obstructing justice, and perpetuating harm to vulnerable individuals, including children with special needs and elderly plaintiffs.
- Engaging in conduct so egregious and shocking to the conscience that it constitutes cruel and unusual punishment under the Eighth Amendment.

**Legal Basis:**

The Eighth Amendment to the United States Constitution prohibits cruel and unusual punishment by government actors. 42 U.S.C. § 1983 provides a remedy for constitutional violations committed under color of state law.

**Damages Sought:**

**Plaintiffs seek:**

- Compensatory and punitive damages for physical, emotional, and psychological harm.
- Declaratory and injunctive relief as the Court deems just and proper.
- Attorney’s fees and costs pursuant to 42 U.S.C. § 1988.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and grant the following relief:

1. **Compensatory Damages**
  - For economic losses, including funeral and burial expenses, loss of financial support, and costs incurred due to defendants’ wrongful acts;

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- For non-economic damages, including emotional distress, loss of companionship, and harm to family integrity.

**2. Punitive Damages**

- Against all non-ERISA defendants for egregious, willful, and malicious conduct, including obstruction of justice, child exploitation, elder abuse, and conspiracy to violate civil rights.

**3. Declaratory Judgment**

- Declaring Plaintiffs’ rights as contingent beneficiaries under **Group Life Insurance Policy No: 22403005713**;
- Declaring Defendant Sarea Laron McCree disqualified as a beneficiary under applicable law and plan terms, including the Slayer Statute.

**4. ERISA Remedies**

- Payment of all life insurance benefits due under **Group Life Insurance Policy No: 22403005713**;
- Equitable relief to enforce plan terms and prevent unjust enrichment;
- Attorney’s fees and costs pursuant to **29 U.S.C. § 1132(g)**.

**5. Injunctive Relief**

- Directing immediate rescue and protection of the minor children;
- Prohibiting defendants from further contact or interference with the children.

**6. Any Other Relief**

- As the Court deems just and proper to prevent further harm and ensure justice.

**Damages Summary Table**

<b>Count</b>	<b>Claim</b>	<b>Damages Sought</b>	<b>Legal Basis</b>
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