



No. 23-1251

IN THE
Supreme Court of the United States

PAULA BOURNE AND DOUGLAS BOURNE,
HUSBAND AND WIFE,
Petitioners,

v.

BANNER UNIVERSITY MEDICAL
CENTER PHOENIX, LLC,
A POLITICAL SUBDIVISION
OF THE STATE OF ARIZONA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF ARIZONA

PETITION FOR A WRIT OF CERTIORARI

Paula Bourne and Douglas Bourne
10412 E. Buckskin Drive
Dewey, Arizona 86327
(480) 431-9064
douglasmbourne@outlook.com

Pro Se Petitioners

QUESTIONS PRESENTED FOR REVIEW

1. Did the Arizona Court of Appeals errantly affirm and allow Arizona Superior Court to designate Bourne's vexatious litigants and dismiss their case under A.R.S. § 12-3201 and through their claimed inherent authority under *Madison v. Groseth*, 230 Ariz. 8, 14, ¶ 17 (App. 2012)?
2. Do the actual adjudicated facts, written in the October 9, 2020, Court Order, one-year-and-eight-months-into-case (February 2019 – October 2020), completely contradict the State's vexatious litigant label and the dismissal of Bourne's complaint as a sanction?
3. As a matter of law, a cell phone recorded adjudicated, October 9, 2020, Court Order, victim with adjudicated. October 9, 2020, Court Order, medical record diagnosed, respondent (defendant) caused injuries, now needs the Supreme Court of the United States, as a matter of national importance for victim's rights, across our entire country, to decide: Is this action designating adjudicated victim's vexatious litigants and dismissing their cases to be stopped, reversing this injustice, or in opposition, to approve Arizona and United States courts declaring proven victim's (as in petitioner's case) vexatious litigants and dismissing their cases?
4. Following the October 9, 2020, Court Order's adjudicated factual medical record admissions and the

adjudicated factual cell phone recording admissions is this same Arizona Superior Court Judge, after 2020 holidays, allowed to now claim Banner can use any defense, even one court adjudicated to be factually false, to obtain their motive. avoid paying very sizeable damages in this medical malpractice case?

5. Did the State of Arizona courts errantly not apply *id.* ARS § 13-2702 perjury crime and ARS § 23-785 crime of willfully and knowingly making false statements about an adjudicated material fact, Banner's confirmed diagnosis regarding Banner patient Paula Bourne being opioid poisoned as evidenced in both Banner's medical records and recordings and yet Banner attorney, Elizabeth Petersen, unconscionably stating otherwise, as evidenced intentionally lying about this court adjudicated fact both verbally and in her briefs. As a matter of law, was Banner attorney Elizabeth Petersen, to be held accountable, as an officer of the court?

6. Has the Arizona Court of Appeals errantly affirmed the Arizona Superior Court's violation of the U.S. Constitution's Fourteenth Amendment, Equal Protection Clause, "*State of Arizona depriving Bourne's constitutional right to life, liberty, and property, without due process of law; and denying the Bourne's equal protection of the laws*" by not providing defendant exhibits to Bourne's and then allowing Banner prejudicial Judge having her personal bias as her close Banner doctor, father-and-daughter-in-law relationship, with father-in-law's pulmonology Banner practice directly

across the street as clearly Judicial-conflict-of-interest, at the March 11, 2022 sanctions hearing, unconstitutionally dismissing Bourne's medical malpractice case and civil complaint?

7. Does Ariz. R. Evid. 201, same as Federal Rules of Evidence Rule 201. Judicial Notice of Adjudicative Facts, (b) (2) apply in this case regarding Banner Health's 2018 event hospitalization medical records "*as own admissions*" and 2018 event hospitalization cell phone recordings "*as own admissions*" in Court Order, filed on October 9, 2020, with Court Order clearly adjudicating above as "*Banner's own admissions*" (adjudicated facts)?

8. Have the State of Arizona courts turned their eyes away and allowed Banner attorney Elizabeth Petersen's highly evidenced Banner Rapid Response falsified flow sheet?

9. Was this Rapid Response flow sheet continually used as Banner's only piece of evidence as provided to each Banner expert witness misleading them, with falsified perfect measurements, that Paula was fine?

10. Was this falsified evidence used throughout discovery, at all depositions, at all hearings, and going to be used at trial?

11. Was falsified Rapid Response flow sheet, with crude

hand scribbled out redactions, completely contradictory to Banner's own Rapid Response cell phone recordings and medical record measurements, Banner opioid poisoning left to the point of causing breathing suppression, completely stopped breathing, to the point of causing horrific permanent Banner diagnosed disabilities, as this highly provable crime that was first alleged by John Gilliam, MD?

12. With review did the State of Arizona Courts err in this matter, acting errantly, allegedly unethically, illegally, unconstitutionally, using cover-up and corruption (RICO)?

v

LIST OF PARTIES IN COURT BELOW

1. Paula Bourne and Douglas Bourne:
Plaintiff, Appellant, Petitioner
2. Banner University Medical Center Phoenix:
Defendant, Appellee, Respondent

STATEMENT OF RELATED CASES

Petitioners are not aware of any directly related proceedings arising from the same trial-court case other than those proceedings appealed here.

Arizona Supreme Court
No. CV-23-0185-PR
Bourne, et al. v Banner University
Date of entry of the judgment: January 4, 2024.
Petition for Review denied.

Arizona Court of Appeals
No. 1 CA-CV 22-0588
Paula Bourne, et al. v Banner University Medical
Center Phoenix, LLC
Date of entry of the judgment: June 29, 2023.
Affirming Superior Court's decision.

State of Arizona, Maricopa County, Superior Court
No. CV2019-052683
Paula Bourne, et al. v Banner University Medical
Center Phoenix, LLC
Date of entry of the judgment: April 22, 2022.
Declaring the Bourne's vexatious litigants and
dismissing case as a sanction.

TABLE OF CONTENTS

	<i>Page</i>
QUESTIONS PRESENTED FOR REVIEW.....	i
LIST OF PARTIES IN COURT BELOW.....	v
STATEMENT OF RELATED CASES.....	vi
TABLE OF CONTENTS.....	vii
TABLE OF CITED AUTHORITIES.....	ix
TABLE OF APPENDICES.....	xi
PETITION FOR CERTIORARI.....	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	2
BANNER ADMISSIONS IN ARIZONA SUPREME COURT APPENDICES B AND C.....	7

Table of Contents

	<i>Page</i>
THE DAMAGES AMOUNT.....	8
WRONG.....	8
RE: MOTION FOR SANCTIONS HEARING ARIZONA SUPREME COURT APPENDIX F.....	9
MANY UNITED STATES CONSTITUTION VIOLATIONS.....	12
SUPERIOR COURT OF ARIZONA MARICOPA COUNTY CV 2019-052683 UNDER ADVISEMENT RULING.....	15
STATE OF ARIZONA COURT OF APPEALS.....	16
STATE OF ARIZONA SUPREME COURT.....	18
STATE OF ARIZONA SUPERIOR COURT ORDER.....	18
COMPLETE CONTRADICTION FROM ARIZONA COURT OF APPEALS.....	19

Table of Contents

	<i>Page</i>
COURT ORDER AND HEARING EVIDENCED FACTS.....	22
TRUTH TO BANNER’S PERJURIUS LIES.....	26
ARIZ. R. EVID. 201.....	27
SOURCE ACCURACY.....	27
WITHHOLDING CASE JUSTICE FROM PAULA BOURNE SIX YEARS.....	28
QUESTION ONE ANSWER.....	29
U.S. MEDICAL MALPRACTICE GUILT ADMISSIONS CASE.....	30
21:22 MST BANNER RAPID RESPONSE RECORDING ARIZONA SUPREME COURT APPENDIX B.....	31
HEAD RAPID RESPONSE DOCTOR ARRIVES “PAULA CODE BLUE”.....	32

Table of Contents

	<i>Page</i>
90 MG MORPHINE OVERDOSE POISONING.....	33
FAILED MORNING OPIOID POISONING NEGLIGENT REVERSAL AND RESUSCITATION.....	34
NALOXONE (NARCAN) ADMISSIONS MEDICAL RECORDS IN ARIZONA SUPREME COURT APPENDIX C.....	34
MARCH 2, 2018, BANNER ICU DOCTOR'S MORPHINE DOSING ADMISSION ARIZONA SUPREME COURT APPENDIX B AT PAGE 47.....	35
BANNER DISCHARGE DIAGNOSES MARCH 7, 2018, AS CONFIRMED IN MEDICAL RECORDS ARIZONA SUPREME COURT APPENDIX C.....	35
REASONS FOR GRANTING THE PETITION.....	36
CONCLUSION.....	39

TABLE OF APPENDICES

	<i>Page</i>
APPENDIX A – ARIZONA SUPRME COURT ORDER: PETITION FOR REVIEW DENIED, DATED JANUARY 4, 2024.....	1a
APPENDIX B – ARIZONA COURT OF APPEALS MEMORANDUM DECISION, DATED JUNE 29, 2023.....	2a
APPENDIX C – ARIZONA SUPERIOR COURT ORDER, DATED OCTOBER 9, 2020.....	18a
APPENDIX D – JOHN GILLIAM, MD, LETTER TO THE COURT, DATED SEPTEMBER 26, 2020, AND CRIME EVIDENCE.....	33a
APPENDIX E - REVERSAL AGENT DIRECTIONS FURNISHED BY JOHN GILLIAM, MD.....	37a
APPENDIX F – ARIZ. R. EVID. 201.....	43a
APPENDIX G – RESPONDENT EMAIL, DATED AUGUST 12, 2021.....	44a
APPENDIX H – RESPONDENT BANNER HEALTH'S MOTION FOR SANCTIONS, DATED AUGUST 13, 2021.....	45a

Table of Appendices

	<i>Page</i>
APPENDIX I –RESPONDENT EMAIL CANCELING DEPOSITIONS, DATED OCTOBER 15, 2021.....	49a
APPENDIX J - RESPONDENT OFFICIALLY VACATING DEPOSITIONS, DATED OCTOBER 15, 2021.....	50a
APPENDIX K – OFFICIAL NOTICE OF TANZID SHAMS, MD DEPOSITION, DATED OCTOBER 1. 2021.....	52a
APPENDIX L – OFFICIAL NOTICE OF JOHN GILLIAM, MD DEPOSITION, DATED OCTOBER 1. 2021.....	55a
APPENDIX M – BACKGROUND CHECK REVEALS JUDGE ALISON SUE BACHUS' JUDICIAL-CONFLICT-OF INTEREST.....	58a
APPENDIX N – CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	60a
APPENDIX O – MEDICAL RECORDS CLINICAL DIAGNOSIS POISONING BY OTHER OPIOIDS.....	75a

Table of Appendices

	<i>Page</i>
APPENDIX P – MEDICAL RECORDS	
0.02 MG. NALOXONE (NARCAN)	
6:04 MST – DOSE 1.....	76a
APPENDIX Q – MEDICAL RECORDS	
RAPID RESPONSE 0.4 MG. NALOXONE	
(NARCAN) 21:22 MST – DOSE 2.....	78a
APPENDIX R – MEDICAL RECORDS	
10.0 MG. NALOXONE (NARCAN) ICU	
22:32 MST – DOSE 3 (IV).....	80a
APPENDIX S – MEDICAL RECORDS	
10.0 MG. NALOXONE (NARCAN) ICU	
15:20 MST – DOSE 4 (IV) (3/2/2018).....	81a
APPENDIX T – MEDICAL RECORDS	
BANNER EVENT NURSES NOTES.....	82a
APPENDIX U – OPHTHALMOLOGIST	
DIAGNOSIS AND PLAN.....	85a
APPENDIX V – MEDICAL RECORDS	
FENTANYL (NOT DONE).....	87a

TABLE OF CITED AUTHORITIES

	<i>Page</i>
CASES	
<i>Bulloch v. United States</i> , 763 F.2d 1115, 1121 (10th Cir. 1985 18 U.S.C. 19).....	28
<i>Caperton v. A. T. Massey Coal Co. Inc.</i> , 129 S. Ct. 2252, 2255 (2009).....	14
<i>Levine v. United States</i> , 362 U.S. 610, 80 S. Ct. 1038 (1960).....	28
<i>Madison v. Groseth</i> , 230 Ariz. 8 (Ariz. Ct. App. 2012).....	17, 29, 30
<i>Offutt v. United States</i> , 348 U.S. 11, 14, 75 S. Ct. 11, 13 (1954).....	28
<i>Withrow v. Larkin</i> , 421 U.S. 35 (1975).....	14
ARIZONA REVISED STATUTES	
A.R.S. §12-3201.....	17, 29, 30

Table of Cited Authorities

	<i>Page</i>
A.R.S. § 12-541.....	16, 19
A.R.S. § 12-561.....	4
A.R.S. § 12-563.....	4
A.R.S. § 13-2310.....	16,17, 18, 19
A.R.S. § 13-2407.....	23, 25
A.R.S. § 13-2702.....	16. 19
A.R.S. § 23-785.....	27
A.R.S. § 36-2228.....	4
 ARIZONA RULES OF EVIDIDENCE	
ARIZ. R. EVID. 201.....	27,28
 FEDERAL STATUTES	
49 CFR § 1570.5.....	25
28 U.S. Code § 2101.....	2

Table of Cited Authorities

Page

CONSTITUTIONAL PROVISIONS

U.S. CONST. AMEND. I.....9, 13

U.S. CONST. AMEND. V.....12, 13, 14

U.S. CONST. AMEND. XIV.....11, 12, 13, 14, 15, 18

SUPREMACY CLAUSE, ARTICLE VI,
CLAUSE 2, OF THE UNITED STATES
CONSTITUTION.....28

PETITION FOR CERTIORARI

March 1, 2018, Banner Health admissions, to any reasonable person, speak for themselves. There is no defense for your own truthful admissions. Wrong is wrong. Truth, as a matter of law, will never change. Bourne's stood by the Banner admissions from the beginning. Banner Health (attorney) has committed perjury and falsified a Rapid Response report illegally attempting to cover up their own admissions.

Petitioners Paula Bourne and Douglas Bourne respectfully request the issuance of a writ of certiorari to review the judgment of the Arizona Supreme Court, *id.* at 1a, Arizona Court of Appeals, *id.* at 2a, affirming the Arizona Superior Courts fabricated ruling placing the victim Bourne's as vexatious litigants. You will witness Arizona Court's affirming the dismissal of victim's complaint (case) while perpetrating many United States Constitutional violations. As a matter of law, National Importance for defining victims' rights, this victims' rights Arizona medical malpractice admissions case, needs to be quickly reversed.

JURISDICTION

The State of Arizona Supreme Court, Case No. CV-23-0185, entered Denial of Petition for Review on

January 4, 2024. *See* Memorandum Decision Appendix B at 2a. Douglas Bourne and Paula Bourne timely file this petition on this date. This Court has jurisdiction under 28 U.S. Code § 2101.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional and statutory provisions involved are set forth in the Appendix, App. 60a– 75a.

STATEMENT OF THE CASE

Paula Bourne had routine knee surgery at the end of February 2018.

On March 1, 2018, Banner University Medical Center Phoenix 90 mg. morphine poisoned Paula Bourne. Opioid poisoning confirmed in Banner medical records¹ further reveals administering only one-hundredth of a full adult reversal dose and one-fifth of a pediatric dose of Narcan. Failed reversal dose. Only 0.02 mg. of Narcan administered at 6:04 MST. *See* 77a. Banner left victim without any further Narcan 15 hours to die. *See* 79a. (Banner cell phone recordings) Certified Transcript², verifies victim (21:22 MST) stopped breathing due to Banner leaving Paula Bourne opioid

¹ Banner medical records submitted to Arizona Supreme Court in Petition Appendix “C” at pages 52-71.

² Banner certified transcripts submitted to Arizona Supreme Court in Petition Appendix “B” at pages 24-51.

poisoned. *See* Banner's own medical records. Nurse: "She had Narcan this morning. She was given a couple of – kind of morphine overload." Further, Nurse: "she was narcanned this morning at 5 a.m." Doctor: "she was?" and Certified Transcript Nurse: "she's going to the ICU. What they would like to do is put her on a continuous drip of this Narcan, which is like the reversal agent for the opioid." Nurse: "It will counteract the morphine, the long-acting morphine." Verifying 6:04 MST Narcan resuscitation failure, now 15 hours later, 21:22 MST Rapid Response called and rushing victim, Paula Bourne, to Banner ICU to correct failure and save Paula Bourne's life. Banner's own medical records, 15 hours late, now ordering Narcan 10 mg. + 10 mg. = 20 mg. enormous volume IV. Narcan (2) infusion bags, STAT -- done in ICU, for the next two days to save Paula's life (critical condition). *See* 81a – 82a. *See* Banner's own medical records, and follow up medical records, verify anoxic brain injury, vision loss (blind, prolonged lack of oxygen killed eyes optic nerves, both eyes *id.* 86a) extensive organ damage, heart damage, kidney damage, including but not limited to complete kidney failure needing transplant and extremely severe PTSD. All confirmed as caused by Banner Health March 1, 2018, Medical Malpractice events.

Bourne v. Banner Univ. Med. Ctr., 2020 Ariz. Super. LEXIS 368 quote at 6:

"Plaintiffs Notice of Filing Oral Argument
Requested Clearly Identified Hospital Record
Where Banner Doctors Made Opioid Overdose
& Acute Hypoxic Resp. Failure Admissions and

Clearly Identified Anoxic Brain Injury and Bilateral Blindness Diagnosis, filed on September 24, 2020.”

A.R.S. § 12-561 at 67a. "Medical malpractice action" or "cause of action for medical malpractice" means an action for injury or death against a licensed health care provider based upon such provider's alleged negligence, misconduct, errors or omissions, or breach of contract in the rendering of health care, medical services, nursing services or other health-related services or for the rendering of such health care, medical services, nursing services or other health-related services, without express or implied consent including an action based upon the alleged negligence, misconduct, errors or omissions or breach of contract in collecting, processing or distributing whole human blood, blood components, plasma, blood fractions or blood derivatives.

A.R.S. § 12-563 at 69a. Necessary elements of proof.

Both of the following shall be necessary elements of proof that injury resulted from the failure of a health care provider to follow the accepted standard of care:

1. The health care provider failed to exercise that degree of care, skill and learning expected of a reasonable, prudent health care provider in the profession or class to which he belongs within the state acting in the same or similar circumstances.
2. Such failure was Paula Bourne's proximate cause of her injuries.

Let's examine Respondent Motion for Sanctions that dismissed complaint (case). Motion Quote: "Plaintiffs refusing to sit for depositions, refusing to allow their experts to be deposed, and then threatening Banner Health and its counsel with filing "Complaints" with the Department of Justice, the Phoenix Police Department." *Id.* Appendix H at 45a.

TRUTH: *See* 22a - October 9, 2020, Court Order: "Defendant's counsel admitted in oral arguments that they (Banner) refused to comply with Rule 16 based upon a misinterpretation (Banner's misinterpretation) of the Court's Minute Entry of November 8, 2019. The Court admonished Defendant's counsel."

See 31a - "IT IS FURTHER ORDERED that Banner Health's Motion to Dismiss with Prejudice for Failure to Prosecute and Failure to Produce a Preliminary Affidavit from a Qualified Expert is denied."

See 50a – Notice Vacating Plaintiffs Paula Bourne and Douglas Bournes; Depositions dated this 15th day of October 2021. Slattery Petersen, signed by: /s/ Elizabeth A. Petersen. Attorney for Banner Health.

See 52a - 54a – Notice of Deposition of Tanzid Shams, Person to be examined: Tanzid Shams, MD, Date of Deposition: October 14, 2021, Time of Deposition: 8:00 am [11:00 am EST]. Place of Deposition: Via Zoom signed by: /s/ Douglas Bourne Plaintiff. Dr. Shams deposition took place just as stated above.

See 55a - 57a - Notice of Deposition of John Gilliam.

Person to be examined: John Gilliam, MD. Date of Deposition: October 19, 2021, Time of Deposition: 9:00 am, Place of Deposition: Via Zoom signed by: /s/ Douglas Bourne Plaintiff. Dr. Gilliam's deposition took place just as stated above. All Bourne's expert depositions were now completed.

Bourne's furnished Banner's medical records to Arizona Supreme Court in Appendix "C" – "Two officers with Phoenix Police Department came to the patient's room today at approximately 1200. The husband requested to file a formal criminal incident report. The husband has been distraught about his wife being over medicated with morphine and delayed upgrade to the ICU." Elgar RN, Ellie Rose (Banner 3/3/2018 16:16 MST). Here, 54a.

See 35a – "Crude redactions by anonymous editors of the kind we see in this record are prima facie evidence of records tampering and should be investigated to determine if the record has been falsified to cover up medical malpractice by the institution or by the medical or ancillary staff." Letter to the court from John S. Gilliam, MD, ABFM, DABPM-AM, MRO. The court never acknowledges Bourne's expert witness John S. Gilliam as John was the first case expert (person) who alleged crimes. Arizona courts ignored alleged crimes and instead dismissed Bourne's complaint.

**BANNER ADMISSIONS
IN ARIZONA SUPREME COURT
APPENDICES B AND C**

- (1) Opioid poisoning patient Paula Bourne. *Id.* pages 55 and 58 in Appendix “C.” Here, 76a.
- (2) 6:04 MST opioid poisoning reversal and resuscitation (negligence) failure by only administering 0.02 mg. of Narcan. *Id.* page 53 of Appendix “C.” 1/100th of a full adult reversal dose, 1/5th of a pediatric dose one time only. *Id.* Dr. John S Gilliam Deposition Transcript, 3/11/2022 Evidentiary Hearing, exhibit 60 (exhibit not furnished by Respondent). Here, 77a. Also, 37a – 42a.
- (3) Banner Rapid Response 21:22 MST was called Paula stopped breathing *id.* page 36 of Appendix “B.” Banner Rapid Response having to correct Banner’s (Dr. Shelhamer’s admission *id.* page 47 of Appendix “B”) 6:04 MST failure, (negligence), improper opioid poisoning reversal and resuscitation. *Id.* Appendix “C” medical records.
- (4) 21:22 MST Banner Rapid Response called (15 hours late) “Paula now code blue” and Banner Rapid Response begins proper adult opioid poisoning correction, reversal, and resuscitation. *Id.* Appendices “B” certified transcripts and “C” medical records. Here, 79a.
- (5) 22:00 MST Banner ICU continues to administer Paula Bourne’s proper adult opioid poisoning correction, reversal, and resuscitation through Narcan 20 mg. IV.

infusions to save Paula's life, for the next two days. *Id.* Appendix "C" medical records. Here, 81a – 82a.

(6) Banner doctors then confirm and diagnose resultant permanent (negligence) injuries. Causation of Banner diagnosed permanent injuries. *Id.* Banner medical records in Appendix "C."

THE DAMAGES AMOUNT

With Banner confirmed admissions Banner owed immediate payable damages to Mrs. Paula Bourne and husband Mr. Douglas Bourne. This was obeying Banner recorded adjudicated admissions, Banner medical record adjudicated admissions, and October 9, 2020, Court Ordered adjudicated admission *id.* Appendix C at 30a. The appropriate damages amount was the only triable issue remaining. Superior Court Judge Campagnolo (apparently agrees) sets up (orders) immediate settlement conference.

WRONG

After the 2020 holidays attorney Elizabeth Petersen makes clear Banner does not settle any cases.

Judge Campagnolo cancels all settlement talk and settlement conferences. Witnessing Judge Campagnolo's strange conduct and early 2021 strange actions (behavior) yielded to the possibility of Banner apparently or allegedly bribing (paying) Judge Campagnolo instead of settling with (paying) Bourne's.

This obvious but sad conclusion with Judge Campagnolo's odd conduct after the 2020 holidays, outrageously demanding no more talk of Banner's adjudicated admissions as recently ordered by him (before holidays). We see Judge Campagnolo's adjudicated admissions in his own October 9, 2020, Court Order. Further, in early 2021, Judge begins demanding no more talk of Banner highly evidenced alleged crimes as first alleged by Bourne's expert witness John Gilliam, MD (court never even addressed) in John's letter to this court. *Id.* Appendix D at 33a to 36a. Judge ordering and threatening Pro Se Bourne's case will be dismissed if the Bourne's do not immediately "hush" in violation of Bourne's First Amendment "Freedom of Speech" and "Freedom of Conscience" rights. *Id.* 60a. Eventually, with unconstitutional actions, the case is dismissed. The State of Arizona Superior Court allows this obvious adjudicative factual admissions case to turn into a three-ring-circus.

**RE: MOTION FOR SANCTIONS HEARING
ARIZONA SUPREME COURT APPENDIX F**

Phoenix, Arizona, March 11, 2022, 9:07 a.m., before
the Honorable Alison Bachus.

A: Mr. Bourne (Plaintiff/Petitioner)

Q: Ms. Petersen (Defendant/Respondent Attorney)

A: I'm not going to comment on it, period, because I haven't been furnished the exhibit. It could be different from what you're saying. I'd have to see the

exhibit. I will not -- I've learned throughout this, don't comment on exhibits you cannot -- you do not have, so I will -- I will not comment on any exhibits that have not been furnished to me.

Q: Are you refusing to answer the question?

A: No, I'm refusing to comment on exhibits because you have not furnished them.

Q: Well, let me ask you a question. I'm not going to ask you about an exhibit, then, if you're being to obstinate about it.

THE COURT: You don't need to call him obstinate. Just ask your question.

Q: Well, shortly after the June 18th, 2021, minute entry, you submitted a disclosure statement, and it's dated August 2nd, 2021.

A: I would have to see it from top to bottom. I'm not going to comment on one of your exhibits without seeing it. I don't know if you've added things to it or -I should have the legal right to see every one of these exhibits before I comment on them.

Q: Okay. I'm not going to ask you to comment on anything speculative or anything that is not on the screen.

A: Yeah, look what you're doing here. You're saying this -- this doctors and this lay people. I've talked to numerous doctors about this. They said that's the most nonsensical, vexatious, blatant thing they've ever heard to say a doctor, a medical doctor looks on a morphine -- we got into this before, I've got it on the recording -- a morphine opiate overdose isn't the same thing on an overdose of drinking too much Pepsi. You drink too much Pepsi, you're going to get a real upset stomach, you can get some nausea medicine for it and so on. You get opioid overdose to the point if you're not breathing, and you give one-one hundredth of the correct dose for a child that weighs one pound, there's a problem here. I mean --.

Q: So I think what you're saying is when ds.

(Attorney Elizabeth Petersen is caught on court video deceptively attempting to hide the top line of this unfurnished exhibit, with U.S. Constitution 14th Amendment violation at 61a.)

A: I would say today that what you just tried to hide because you didn't want to show the whole thing, and I talked this over with Judge Bachus, I very vehemently disagree with this nonsensical argument that you've tried to create here. The doctors look on morphine or overdose different than lay people. But it is a vexatious argument. overdoses are not an acceptable standard of care at any hospital in the United States, specifically the failure to resuscitate a person at 5:00 o'clock in the

morning, or 6:00 o'clock when the Narcan was given. You failed to resuscitate Paula, and you're coming up with this nonsensical vexatious frivolous cover-up argument. It's right above here. It is – it says morphine overdoses are not acceptable. Read what it says there. Cover-up argument. It's not personally on anybody. It's the argument. I would tell Judge Bachus today that this is a ridiculous, nonsensical, vexatious, frivolous argument because it's not supported in any literature, any – by any doctor, by any hospital. There's nowhere in the United States that says morphine opioid -- opioid is a danger in the whole thing -- overdose is an acceptable standard of care. And that's what this is addressing here. You did fail the standard of care.

THE COURT: Okay. Ms. Petersen, I'm going to stop you because right there, you're arguing in the form of your question.

THE COURT: You've added editorial comments. He hasn't been making argumentative objections.

DOUGLAS BOURNE: The anger with this Court is the frustration of wanting fairness, my due process -- Paula's due process rights.

MANY UNITED STATES CONSTITUTION VIOLATIONS

1. First Judge Campagnolo wrote threatening “no more Banner admissions, John Gilliam, MD, criminal accusations, or the unaddressed court. letter talk” in his

June 18th, 2021, minute entry, unconstitutional “hush” (U.S. Const. Amend. I. violations) order threatening: Bourne’s shut up (1st and 14th Amendment violations, *id.* 60a and 61a) or case will be dismissed, and it was.

2. Background check³ furnished to court, revealed Judge Alison Sue Bachus tried to hide fact, that her father-in-law was highly defendant, respondent, Banner affiliated doctor. Dr. Bruce Floyd Bachus was complaint dismissing Judge Alison Bachus’ very close father-in-law. Dr. Bachus is a Banner trained and affiliated Pulmonologist. Dr. Bruce Floyd Bachus has Defendant Banner University Medical Center Phoenix affiliated pulmonary practice directly across McDowell Road (across the street from Defendant). Directly adjacent to Defendant Banner University Medical Center Phoenix. The court openly allows judicial-conflict-of-interest disobeying Arizona Rule 2.11. Disqualification (loss of all jurisdiction) and the U.S. Supreme Court’s previous rulings dictating even the appearance of judicial-conflict-of-interest is not allowed.

³ Bruce Floyd Bachus, MD

Pulmonologist

1112 E McDowell Rd, Phoenix, AZ 85006

Hospital Affiliations

Banner - University Medical Center Phoenix

1111 E McDowell Rd, Phoenix, AZ 85006

Relatives

Alison Sue Bachus

Benjamin Clay Bachus

Relationship

Judge and Daughter-in-Law

Son and Alison’s Husband

“The interest poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.” *Id.* Withrow, 421 U.S., at 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712. Cited by Caperton v. A. T. Massey Coal Co. Inc., 129 S. Ct. 2252, 2255 (2009). All of Judge Alison Bachus’ rulings, including the vexatious litigant case dismissal, should have been null and void.

3. Arizona Appellate Court and Arizona Supreme Court *id.* Appendix A, and Appendix B rulings openly disobey and allow judicial-conflict-of-interest.

4. The March 11, 2022, sanctions hearing was held in violation of Bourne’s constitutional rights. The State of Arizona no longer makes it mandatory for both sides “treated equally.” To be equally furnished pleadings, exhibits and other materials as evidenced egregiously violated at this hearing. Defendant Banner University Medical Center Phoenix was furnished with all plaintiff exhibits. However, no defendant exhibits, were ever furnished to plaintiff Bourne’s allowing Banner University Medical Center Phoenix to violate U.S. Constitution. This includes no Defendant exhibits furnished to Bourne’s before or after this March 11, 2022, hearing. No exhibits furnished to Bourne’s even for appeal. Yet Bourne’s were made by Judge Bachus to answer detailed questions regarding these unfurnished exhibits at the March 11, 2022, hearing. Mr. Bourne consistently complains of this unconstitutional act in hearing transcript. *Id.* Motion for Sanctions Hearing Transcript, Arizona Supreme Court, Petition, Appendix “F.” The Fourteenth Amendment provides that “no State shall deny, to any person, the equal protection of the

laws.” The Equal Protection Clause “guarantees every person the right to be treated equally by the State” Appendix N at 61a. Arizona Court of Appeals and Arizona Supreme Court *id.* Appendix A, and Appendix B rulings disobey the U.S. Supreme Court, the Fourteenth Amendment of the United States Constitution, by allowing civil rights violation(s). Right to exhibits “equally” furnished to Pro Se Bourne’s was unconstitutionally denied. Loss of all jurisdiction.

5. Petitioner’s civil trial due process rights unconstitutionally taken away and denied.

6. Victim Paula Bourne’s right to justice unconstitutionally denied.

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
CV2019-052683
UNDER ADVISEMENT RULING**

Filed on April 22, 2022, granting Defendant’s Motion for Sanctions, filed August 13, 2021, and dismissing the Complaint. Ordering costs to Banner. At least 13 large Power Point Banner admissions slides (pictures) were unprofessionally included on the face of Judge Alison Bachus’ Order attempting to make Mr. Bourne appear vexatious. This admissions argument should have never existed in the first place after October 9, 2020, Court Ordered adjudicated admissions. *Id.* Appendix C, at 30a. These slides were for Mr. Bourne’s use in Plaintiff’s oral argument. Unfortunately, this biased, unprofessional picture show order, with so

many pictures and subsequent PPT argument, cannot be included in this petition's appendix. This case record was reviewed by Arizona Court of Appeals. Their outrageous decision ignoring this cases most important October 9, 2020, Banner adjudicated admissions, Banner Motion to Dismiss Denied, Order. Judge Alison Sue Bachus' bias, prejudice, anger. and vitriol was expressed throughout this order (decision) towards the Bourne's. This order should have been easily reversed due to Judge trying to hide her daughter-in-law, father-in-law, conflict-of-interest, relationship. *Id.* 58a – 59a. Her daughter, Banner doctor, father, Bruce Bachus relationship. Dr. Bachus having his Banner practice directly across the street. Correctly, loss of all jurisdiction. Note – pictures and PPT slides in Judge's order was only to diminish and disparage Mr. Bourne.

STATE OF ARIZONA COURT OF APPEALS

June 29, 2023, Memorandum Decision's evidenced lies, perjury, libel, and fraud:

“From the start, the Bournes failed to follow court procedures for prosecuting their case.” *Id.* Appendix B at 6a ¶ 3.

“The vexatious-litigant ruling was supported by the record.” *Id.* Appendix B at 13a ¶ II.

“The Bournes state the superior court erred in declaring them vexatious litigants. The superior

court may designate a litigant vexatious under A.R.S. § 12-3201 and through its inherent authority. See *Madison v. Groseth*, 230 Ariz. 8, 14, ¶ 17 (App. 2012). Under A.R.S. § 12-3201, a self-represented litigant may be designated a vexatious litigant if the court finds he engaged in vexatious conduct.” *Id.* Appendix B at 13a ¶19.

“Aside from the conclusory statement that the vexatious litigant ruling is unconstitutional, the Bournes fail to develop any argument providing a basis to vacate the ruling. For this reason, this argument is waived.” *Id.* Appendix B at 14a ¶ 20.

“The record clearly supports the superior court’s dismissal of the complaint as a sanction under Rule 37, which permits dismissal for the failure to comply with discovery orders and the failure to provide timely disclosures. Ariz. R. Civ. P. 37(b)(2)(A)(v), 37(c)(3)(C). Dismissal as a sanction requires due process, including an evidentiary hearing when indicated. *Rivers*, 217 Ariz. at 531.” “The court must make an express finding that a party has obstructed discovery and the court must consider and reject lesser sanctions.” *Id.* Appendix B at 15a, ¶ 22. CV 22-0588 filed and dated June 29, 2023. Appendix B at 3a – 17a.

STATE OF ARIZONA SUPREME COURT

Petition for Review Denied. Case No. CV-23-0185-PR filed and dated January 4, 2024. *Id.* Appendix A at 1a.

**STATE OF ARIZONA SUPERIOR
COURT ORDER**

October 9, 2020, Court Order: *Id.* Appendix C, telling a much different story. Acknowledging on recordings, in certified transcripts, and in medical records the factual truth. This order-filed-one-year-and-eight-months-into-case (twenty months) February 2019 – October 2020. Not as Court of Appeals: “Bournes seem to believe that because the superior court at one point early in the litigation stated Plaintiffs prosecuted the case to the best of their abilities.” *Id.* Appendix B at 14a ¶ 20.

False - This was towards the end of the case with Arizona Superior Court and Arizona Court of Appeals addressing situation by covering-up Banner’s admissions with taking advantage of Bourne’s pro-se litigants’ status. We clearly see evidenced violations of the U.S. Constitution’s Fourteenth Amendment, Section 1: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny

to any person within its jurisdiction the equal protection of the laws.”

COMPLETE CONTRADICTION FROM ARIZONA COURT OF APPEALS

See with significant evidence, the Court of Appeals sad lies, alleged perjury, libel, fraud and with great disappointment signed by Officers of that Court as not even acknowledging Appendix C, October 9, 2020, Court Order:

“Plaintiffs (Bourne’s) also contended that Defendants’ (Banner) counsel refused to participate in discovery, and refused to comply with Rule 16(b) and (c), which resulted in Plaintiffs being unable to prosecute their case. Plaintiffs contended that this amounted to a violation of due process. Defendant’s counsel admitted in oral arguments that they refused to comply with Rule 16, based upon a misinterpretation of the Court’s Minute Entry of November 8, 2019. The Court admonished Defendant’s counsel. The Court also informed Defendant’s counsel that a motion for clarification may have been the appropriate action to take, rather than refusing to comply with Rule 16.” *Id.* Appendix C at 22a.

“It appears that this same misinterpretation of the Court’s Minute Entry resulted in Defendant not participating in discovery. Again, Defendant should have filed an appropriate pleading to

clarify the status of discovery as soon as the issue arose. Defendant did raise this issue at a hearing on June 24, 2020, at which time the Court stayed discovery, except as to certain written documents. Although the request should have been made sooner, the failure to do so was not a Rule 11 violation.” *Id.* Appendix C at 22a.

“Plaintiffs were represented by counsel until October 16, 2019. Plaintiffs’ counsel was unable to locate or retain an expert witness on the standard of care. Thereafter, Plaintiffs attempted to retain an expert witness. The Court then ordered that the parties did not need to abide by the requirements of Rule 16(b) and (c) until December 2, 2019. Between December 2, 2019 and March 2, 2020 (the dismissal deadline), the evidence showed that Plaintiffs attempted to work with Defendant’s counsel to submit a joint report and proposed scheduling order. Based upon Defendant’s counsel misinterpretation of the Court’s Order, as discussed above, Plaintiffs’ efforts were frustrated when Defendant’s counsel refused to cooperate. The Plaintiffs designated Dr. John Gilliam on March 5, 2020. The evidence showed that Plaintiffs have prosecuted this case to the best of their abilities.” *Id.* Appendix C at 23a.

“There is no dispute that Mrs. Bourne received an overdose of morphine. The words “overdose” and “over sedation” are repeated many times in

the medical records by various health care professionals. The existence of and the dangerousness of the morphine overdose was addressed by Dr. Ahmed when he met with Plaintiffs in Mrs. Bourne's hospital room on or a the term "overdose" has a different and less onerous meaning to doctors than it does to lay people. Neither Dr. Ahmed nor the other personnel expressed this difference to Plaintiffs in the recordings that Mr. Bourne made, or in the medical records." *Id.* Appendix C at 28a.

"This case is unlike the usual malpractice case, in which standard-of-care evidence is needed to interpret medical records and practices. In this case, there are admissions by Defendant's personnel that Mrs. Bourne received a morphine overdose that resulted in adverse effects (defined as injuries) to Mrs. Bourne, requiring her to be transferred to the intensive care unit. These admissions are contained not only in the medical records, but in the recordings made by Mr. Bourne of the health care professionals. The recordings are admissible evidence. Dr. Ahmed's notes in the medical records discuss the meeting in Mrs. Bourne's hospital room on March 2, 2018, in which the overdose was discussed. While the notes are not incorrect, they do not contain all of the admissions that were contained in the recordings. The recording of Dr. Shelhamer only amplifies the circumstances surrounding the overdose. Dr. Pacheco's Declaration does not even mention the overdose, and there is no statement

from him or anyone else in Defendant's employ that hospital guidelines encourage or recommend morphine overdoses in this type of case." *Id.* Appendix C at 30a.

"IT IS FURTHER ORDERED that Banner Health's Motion to Dismiss with Prejudice for Failure to Prosecute and Failure to Produce a Preliminary Affidavit from a Qualified Expert is denied." *Id.* Appendix C at 31a. APPENDIX C at 18a-32a, Court Order, 1 CA-CV 22-0588, filed October 9, 2020.

COURT ORDER AND HEARING EVIDENCED FACTS

1. Verifies Bourne's not vexatious in this Banner admissions case.
2. Douglas Bourne has an exceptional legal background (paralegal college degree and advanced legal education) having worked as a Senior Publishing Specialist and Senior KeyCite Legal Analyst for Thomson West (Westlaw). At Thomson West, Douglas Bourne, was often in charge of connecting Westlaw history and publishing United States Supreme Court decisions. Douglas Bourne simply does not appreciate liars, perjurers, law breakers, anyone implicated (as here) in legal cover-up and corruption.
3. We acknowledge Banner's admissions that Mrs. Bourne received a morphine overdose (opioid poisoning)

that resulted in adverse effects (defined as injuries) to Mrs. Bourne. requiring her to be transferred to the intensive care unit. *Id.* Appendix C at 30a.

4. Banner fraudulently making and using a falsified record. Crimes as first mentioned by Dr. John Gilliam and then further evidenced by Douglas Bourne. *Id.* at 22a-29a. See ARS § 13-2407. Tampering with a public record. Attorney Elizabeth Petersen continually uses this same falsified Rapid Response Report not matching recordings or Banner Measurements Rapid Response times are falsified, SpO2's are falsified (ALL) 100%, respiratory rates are falsified. Then *see* medical report's outrageous scribbled out, not-initialed, then scribbled in, not-initialed, redactions or changes. Ms. Petersen simply got caught with recording: "70 on six liters of supplemental oxygen." *Id.* Rapid Response recording transcript. *Id.* Arizona Supreme Court Petition Appendix "B."

United States opioid overdose and resuscitation triple board-certified expert witness John Gilliam, MD says: "70 SpO2 on six liters of supplemental oxygen, with six as the highest amount of supplemental oxygen Paula could have possibly received through a standard nasal cannula and still only 70 SpO2 is definitely not breathing." "Oxygen, Carbon Dioxide exchange failure known as not breathing."

Ms. Petersen's Rapid Response flow sheet placing SpO2 100% and Respiratory Rate

as perfect during Rapid Response event. *Id.* Arizona Supreme Court Petition Appendix “A” at pages 12 and 13. John Gilliam, MD, (Bourne’s opioid overdose and resuscitation expert) and Tanzid Shams (Bourne’s Neurology expert) witnesses both stated: “using our common sense, then why was Rapid Response ever called in the first place with these perfect (falsified) measurements?”

See 3/11/2022 Evidentiary Hearing Exhibits: Dr. Tanzid Shams Deposition Recording, Exhibit 17, and Tanzid Shams. MD Deposition Transcript, Exhibit 55. Bourne’s neurology, anoxic brain injury, expert witness. Plus, John S Gilliam, MD Deposition Recording Exhibit 18, and John S Gilliam, MD Deposition Transcript, Exhibit 60. John S. Gilliam, triple board-certified MD, and medical director:

“I am thoroughly qualified to evaluate this case, but I question why any expertise is required. I find it axiomatic that there can be no expert of any kind who can inadvertently overdose on opioids to the point of respiratory suppression causing severe oxygen deprivation and then fail to provide resuscitation in a timely enough fashion to rescue the patient from permanent severe anoxic brain injury with profound resulting permanent disability. This can never be acceptable medical practice under any conditions as I am certain that any of our friends and neighbors serving on a jury would easily appreciate.” *Id.* Appendix D at 34a.

John S. Gilliam, triple board-certified MD, and medical director then states:

“Of course, the proper and legitimate way to correct an error in a medical record is to line through the original inaccurate information so that it can still be read, then to write the corrected information beside it and then initial the change so that others reading the chart will know who made alterations in the medical record. Crude redactions by anonymous editors of the kind we see in this record (Appendix D at 20a) are prima facie evidence of records tampering and should be investigated to determine if the record has been falsified to cover up medical malpractice by the institution or by the medical or ancillary staff.” *Id.* Appendix D at 34a - 35a.

Ms. Petersen simply got caught. *See* A.R.S. § 13-2407 at 63a and 49 CFR § 1570.5 at 75a and the State of Arizona did nothing other than classifying Bourne’s (falsely) as vexatious and dismissing their complaint. State of Arizona Superior Court covers up Banner’s and attorney Elizabeth Petersen’s crimes. Continuing into 2023 and 2024, with Arizona Court of Appeals and Arizona Supreme Court. *Id.* Appendix A, and Appendix B.

Beginning 2021, State of Arizona Superior Court first allows Banner perjurious defense argument. going against their own cell phone recorded, and medical records admissions. Arizona Supreme Court Appendix B and Appendix C. Banner attorney Elizabeth Petersen now fraudulently claiming (lie) Paula Bourne was not opioid poisoned and here, in Appendix 75a, (Banner medical records). Banner doctors confirmed diagnosis as opioid poisoning this patient, Paula Bourne. The State of Arizona Court's continually allowed Banner's vexatious and perjurious arguments in opposition to their own admissions that Superior Court had already confirmed. *Id.* Appendix C at 30a.

Continuing into 2023, 2024, to present, perjury and violation of Rule 11 are allowed in Arizona Appellate Court brief and Arizona Supreme Court brief continuously stating your client (Banner) did not morphine (opioid) overdose (or opioid poison) Paula Bourne and cause Mrs. Bourne's (Banner medical record) diagnosed injuries. Banner Opioid Poisoning causing Banner diagnosed injuries is clearly admissions in the Banner recordings and medical records. For admissions verification see Arizona Supreme Court Petition's Appendix "B" and Appendix "C."

TRUTH TO BANNER'S PERJURIOUS LIES

1. Banner (2018 event hospitalization) medical records diagnosed opioid poisoning this patient. See ARS § 13-2702 perjury.

2. Banner (2018 event hospitalization) diagnosed causing this patient's horrific permanent injuries. *See* ARS § 13-2702 perjury at 64a and ARS § 23-785 False statement, misrepresentation, or nondisclosure of material fact to obtain benefits at 65a.

3. October 9, 2020, Court's Order, *Id.* Appendix C at 30a, clearly orders adjudicative Banner admissions, or facts *id.* Ariz. R. Evid. 201. *Id.* Appendix F at 43a.

ARIZ. R. EVID. 201.

Rule 201 - Judicial Notice of Adjudicative Facts.

(b) Kinds of Facts That May Be Judicially Noticed. The court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

SOURCE ACCURACY

Under Ariz. R. Evid. 201. (b)(2), Banner's own (2018 event hospitalization) medical record adjudicative factual admissions and Banner's own doctor's and nurses' recordings admissions (transcripts) (2018 event hospitalization) under Ariz. R. Evid. 201. (b)(2) are conclusively adjudicative facts and adjudicative factual admissions. Even with the strictest reading of Ariz. R. Evid. 201. (b)(2) correctly qualifies Banner medical

malpractice event medical record admissions and Banner doctor's and nurses' medical malpractice event recordings admissions following Ariz. R. Evid. 201. (b)(2) are definitively adjudicative facts and adjudicative factual admissions.

WITHHOLDING CASE JUSTICE FROM PAULA BOURNE FOR SIX YEARS

Officers of the court are supposed to acknowledge and enforce the obedience of related laws, rules, caselaw and the United States Constitutional Amendments as directed by the United States Supreme Court: Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court." *Id. Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985 18 U.S.C. 19).

The Supreme Court has ruled and reaffirmed the principle that: "Justice must satisfy the appearance of justice." *Id. Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function, the United States Constitution, and the Laws of the United States [and Treaties] which shall be made in Pursuance thereof; shall be the supreme Law of the Land. *Id.* Supremacy Clause, Article VI, Clause 2, of the United States Constitution. This case's adjudicative facts reveal the State of Arizona Superior Court, the State of Arizona Appellate Court, and the State of Arizona Supreme

Court “have not provided justice” or “the appearance of justice.”

QUESTION ONE ANSWER

The Arizona Vexatious litigant statute A.R.S. § 12-3201, *id.* at 72a, itself should answer question as not reason for case dismissal as statute only used dishonestly in this case.

Let’s examine *Madison v. Groseth*, 230 Ariz. 8, 14, ¶ 17 (App. 2012): “To impose such restrictions, the Court was required to find Madison’s existing and prior lawsuits were frivolous or harassing; it failed to do so.” “We review a judgment granting a motion to dismiss for an abuse of discretion,” CONCLUSION For the foregoing reasons, we affirm the judgment to the extent it dismisses Madison’s complaint. We reverse the judgment to the extent it declares Madison a vexatious litigant and imposes restrictions on future lawsuits initiated by her regarding the Groseths or the Property. In light of the fact Madison has prevailed in part in her in her appeal, we deny the Groseths’ request for attorneys’ fees and sanctions.” With examining *Madison v. Groseth* the Motion to Dismiss was granted and affirmed.

In contrast, *Bourne v. Banner*, the Motion to Dismiss was denied. “IT IS FURTHER ORDERED that Banner Health’s Motion to Dismiss with Prejudice for Failure to

Prosecute and Failure to Produce a Preliminary Affidavit from a Qualified Expert is denied.” *Id.* Appendix C at 31a.

If the Arizona Court of Appeals would have correctly applied *Madison v. Groseth*, to the Bourne’s case facts, they would have reversed the Superior Court’s judgment declaring the Bourne’s vexatious litigants and imposing the highest sanction possible or case dismissal. *See* A.R.S. § 12-3201 at 73a defining a vexatious litigant as someone who repeatedly files frivolous or harassing lawsuits. There is no evidence Bourne’s have ever done this. This application is very dishonest as it does not factually apply to this Banner admissions case. *Id.* Court Order, Appendix C, at 30a. Clearly, there is a skunk in the henhouse, and it’s not me. *See* Dr. Ryan Paul Shelhamer, March 2, 2018, admission, *id.* Arizona Supreme Court Appendix “B” at page 47. The day after this near-death Rapid Response event, now in Banner ICU, stating that he was aware Paula Bourne was given “too much morphine” (morphine overdose) yesterday morning and then he negligently left Paula all day opioid overdosed, poisoned, to nearly die (stopped breathing).

U.S. MEDICAL MALPRACTICE GUILT ADMISSIONS CASE

United States medical malpractice admissions case with October 9, 2020, Court Order acknowledging Banner’s adjudicative factual admissions of guilt, liability, and causation of injuries. October 9, 2020, Court Order, *id.* Appendix C at 30a. Naloxone (Narcan) medical records, with 0.02 mg. Narcan opioid poisoning reversal

failure. Leaving Paula Bourne 15 hours with opioid poisoning suppressing Paula's breathing. This leads to Paula's total breathing suppression at 21:22 MST. certified transcript, 21:22 Rapid Response verifying on recording and certified transcript Banner employee Jeff relaying reason Rapid Response was critically called and needed. Banner's own medical records, reveal 15 hours late, now ordering Narcan 20 mg. enormous volume IV. infusions, STAT -- done in ICU, for the next two days to save Paula's life.

**MARCH 1, 2018
20:25 MST RECORDING TRANSCRIPT
ARIZONA SUPREME COURT
APPENDIX B**

NURSE RUTH WARREN: "These are high doses of morphine that were given to her. Very high doses."

NURSE RUTH WARREN: It's been 12, 14 hours now, since she's been given a reverse agent.

NURSE RUTH WARREN: " -- my, -- my recommendation, very strongly, is to speak to our managers and to speak -- like, in the morning when they open it up."

**21:22 MST BANNER
RAPID RESPONSE RECORDING
ARIZONA SUPREME COURT APPENDIX B**

BANNER EMPLOYEE JEFF: "need to call the rapid on 7B, the subject had stopped breathing."

**HEAD RAPID RESPONSE DOCTOR
ARRIVES "PAULA CODE BLUE"**

DR. ITORO BASSEY: "All right . What's going on?"

NURSE RUTH WARREN: "She had Narcan this morning . She was given a couple of morphine - - kind of morphine overload."

DR. ITORO BASSEY: "Uh-huh ."

NURSE RUTH WARREN: "And since then she's had neurological deficits. She's been tremoring, she's -- she's been like snowed out since I got report from her and pretty much all day."

DR. ITORO BASSEY: "She's been snowed after she got Narcan for being."

NURSE RUTH WARREN: "Yes, all day. So we've been trying to figure out how to move her, whether or not to move her. And I (indiscernible) got a headache. And her 02 sats went from like 100 on tubular to now being like 80 on six."

CHARGE NURSE: "70."

NURSE RUTH WARREN: "70 on six. She's shallow breathing. So this is not her baseline."

DR. ITORO BASSEY: "Can you hear me? Hi. Can you hear me? Can you move both your hands?"

NURSE RUTH WARREN: "No, she's been -- this is how it's been. So this is the side that she's had tremors. After she got the multiple morphine doses. So this is -- this is not her baseline. This is from yesterday--yesterday evening. neurological deficits."

DR. JULIE KINUER: "Is she narcotic naive?"

90 MG MORPHINE OVERDOSE POISONING

NURSE RUTH WARREN: "She's very narcotic naive. She was given a 30-milligram dose at 2:00 p.m. yesterday, and then last night at 8:00 p.m., she was given six hours early another -- another 30 milligrams of the extended-release. And at 4:00 p.m., she was given an immediate release. And then since then she's had these."

A VOICE: "Why is she (indiscernible)?"

NURSE RUTH WARREN: "She was Narcaned this morning at 5:00 a.m."

DR. JULIE KINUER: "She was?"

NURSE RUTH WARREN: "And then since then -- since then she's had these (indiscernible) tremors."

DR. JULIE KINUER: "When did she go hypoxic?"

NURSE RUTH WARREN: "About ten minutes ago."

**FAILED MORNING OPIOID POISONING
NEGLIGENT REVERSAL AND
RESUSCITATION**

NURSE SEAN: "Narcan's -- is all the way in now."

NURSE: "She's going to the ICU. What they would like to do is put her on a continuous drip of this Narcan, which is like the reversal agent for the opioid so it's.

NURSE SEAN: "It will counteract the morphine, the long-acting morphine."

**NALOXONE (NARCAN) ADMISSIONS
MEDICAL RECORDS IN ARIZONA
SUPREME COURT APPENDIX C**

MARCH 1, 2018

1. 6:04 MST – 0.02 mg. dose 1x only. 1/100th of a full adult opioid reversal dose and 1/5th of a pediatric reversal dose. Prescribed by Dr. Ryan Shelhamer.
2. 21:22 MST - 0.4 mg. dose 15 hours “too late” for prevention of permanent injuries by Rapid Response.
3. 22:00 MST - MARCH 3, 2018 (ICU)
20.0 mg. enormous volume, slow drip, corrective opioid poisoning, IV. infusions.

**MARCH 2 2018, ICU
DOCTOR'S MORPHINE DOSING
ADMISSION ARIZONA SUPREME COURT
APPENDIX B, AT PAGE 47**

DR. RYAN SHELHAMER: *“Yeah. Yeah. No. I agree. It was -- it was too much together. I -- I agree with that. And that's what I had said to you yesterday morning.”*

See Appendix V, post-surgical patient room fentanyl missing, never found, and or administered. Banner provided no record evidencing otherwise. “R.S.” 90 mg. opioid poisoning instead (72a). Extreme negligence evidenced.

**BANNER DISCHARGE DIAGNOSES
MARCH 6, 2018, AS CONFIRMED IN
MEDICAL RECORDS ARIZONA
SUPREME COURT APPENDIX C**

- Poisoning by opioids
- Opioid overdose
- Cognitive changes - Anomic brain injury, Tanzid Shams, MD, Professor and Director of Neurology.

- Cognitive/memory decline
- Acute kidney injury
- Acute kidney failure
- Acute respiratory failure with hypoxia
- Toxic encephalopathy
- Tremors
- Acidosis
- Enlarged heart
- PTSD (severe)
- Blind both eyes – recheck Banner failed vision test – lack of oxygen killed both right and left optic nerves, irreversible. Mark Rummel, highly qualified and regarded Ophthalmologist, diagnosed on March 1, 2018, Banner causing Paula Bourne’s anoxic brain injury and permanent blindness.

Dismissing this case was a disgraceful abuse of the Arizona and United States Judicial System. The Arizona Superior Court, Arizona Court of Appeals and Arizona Supreme Court allow Banner University Medical Center Phoenix to get out of review of justice, legal, criminal, and civil accountability, preventing Banner University Medical Center Phoenix from legally paying for causing egregious permanent disabilities and damages on March 1, 2018, to admissions victim, Paula Bourne, in this Medical Malpractice admissions case.

REASONS FOR GRANTING THE PETITION

FIRST, it is of national importance that our United States Supreme Court stop (reverse) this allowed (admission) medical malpractice standard-of-care. Evidenced morphine poisoning your patient, leaving them in that condition for more than 15 hours, and as

respondent Rapid Response, ICU medical records, cell phone recordings, transcripts, all evidence your patient is still opioid overdosed (poisoned). Negligent respondent evidenced actions, of improper opioid poisoning resuscitation, improper opioid overdose Narcan reversal, and unconscionably leaving your patient opioid poisoned to likely die or cause horrific permanent injuries (permanent disabilities as here). Do we want any other American citizens treated the same or equally to Paula Bourne. By court's condoning Banner Health (respondent) evidenced negligent actions. If United States Supreme Court allows, unconscionably not reversing, this standard-of-care could be equally applied to all American citizens. Allowing negligent patient opioid poisoning, breathing suppression, stopping breathing, code blue, and likely death. Just like the Arizona courts have allowed to victim Paula Bourne, now before you, in *Bourne v. Banner*.

SECOND, as the highest court in the land, it is the court of last resort for Bourne's seeking justice.

THIRD, due to its power of judicial review, it is assigned an essential role to ensure that each Arizona branch of government, including the Arizona judicial branch, is to recognize and obey the limits of its own power.

FOURTH, it is assigned to protect Bourne's (American citizens) civil rights and liberties that were clearly violated.

FIFTH, it has a duty to serve justice and ensure proper interpretation and following the rule of law, various state, and federal rules, established caselaw, and various constitutional amendments by any alleged violating perpetrators. To ensure compliance and addressing violations by Banner University Medical Center Phoenix, Arizona Superior Court, Arizona Court of Appeals and Arizona Supreme Court as highly evidence our fundamental values, civil rights, that are common to all Americans, i.e. freedom of speech, freedom of religion, due process of law, right to a fair and impartial trial and the equal protection of the laws.

SIXTH, the United States Supreme Court cannot allow establishment of this precedent. The State of Arizona Court's allowing recorded medical malpractice egregious and heinous actions, crimes, perpetrated on horrific Banner victim Paula Bourne; with Banner horrific March 1, 2018, perpetrated event, drastically shortening Paula's life, at least 20 years per expert John Gilliam, MD. Paula's life now living each day with Banner caused horrific disabilities, damages, as never close to the same. Paula unfortunately is now forced to live with Banner flagrant, odious, and atrocious permanent injuries, disabilities, and damages. Petitioner's evidence supports Bourne's petitions claim of State of Arizona Courts allowing Banner University Medical Center Phoenix to violate Arizona laws, rules, caselaw, United States federal laws, rules, caselaw, and the United States Constitution. The State of Arizona Courts cannot be allowed to discard Paula Bourne's constitutional rights. Including, but not limited to, Paula's right to justice, due process of law, equal protection of the laws, and for a fair

and impartial civil trial (not achievable in Arizona). Egregiously evidenced as perpetrated in this enormous Arizona six-year-cover-up, with corruption. Justices only need to follow the overwhelming Bourne evidence and acknowledge the Banner lies and heinous actions to see this obvious truth. Bourne's conduct is evidenced here as telling the truth and following the Banner professionals', doctors and nurses, admissions. Banner University Medical Center Phoenix, Attorney Libby Petersen, Arizona Superior Court, Arizona Court of Appeals and Arizona Supreme Court then twisted Bourne's evidenced lawful, truthful conduct into Banner and the State of Arizona Courts undermining our judicial system by dismissing case by falsely or fraudulently alleging petitioner's adjudicative factual truth, conduct, into made-up vexatious litigant conduct. Banner (and attorney) disobeying Ariz. R. Evid. 201 (b) (2), and ARS § 13-2702 as committing perjury with the State of Arizona allowing her going against her own Banner medical professionals' medical records and cell phone recordings, certified transcripts, adjudicative factual admissions. Petitioner's claims, evidence, rule of law, U.S. Constitution, and your duties, oath, as United States Supreme Court Justices respectfully dictates granting this petition for writ of certiorari.

CONCLUSION

This is a case that deeply affects all Americans. The United States Supreme Court needs to address good faith medical patient, medical malpractice, victimization with adjudicated admissions victim Paula Bourne subsequently perpetrated a second time with Arizona Court of Appeals allowed Respondent constitutional civil

rights violations. We all see this outrageous vexatious litigant labeling and case dismissal. Done with deceit, malice, and dishonesty. Our United States Supreme Court needs to grant this petition, enforcing the lawful document known as our U.S. Constitution. Our founding fathers would want victim Paula Bourne's constitutional rights and faith in our U.S. court system restored. Petitioners are seeking a future ruling that any American citizen's victimization possessing event, digitally cell phone recorded, adjudicated admissions evidence, are not to be labeled as vexatious litigants or using this false labeling to dismiss their cases. No adjudicated admissions permanently injured victims to ever again be so abused. The Arizona Court of Appeals, Memorandum Decision, filed on June 29, 2023, affirming Arizona Superior Court's rulings, outrageously awarding costs and fees to Banner, and the Arizona Supreme Court's Order Denying Petition for Review, filed on January 4, 2024, all to be summarily reversed. The United States Supreme Court is to take all actions that our highest court feels are appropriate and or necessary.

Respectfully submitted.

Douglas Bourne and Paula Bourne
10412 East Buckskin Drive
Dewey, Arizona 86327
Telephone: (480) 431-9064
douglasmbourne@outlook.com
Pro Se Petitioners

May 13, 2024