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AZ Corp. Commission
05587659

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date June 16, 2016

RELIABLE PLANT MAINTENANCE, LLC
PO BOX 26229
TEMPE, AZ 85285

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 06/15/2016 as agent for **RELIABLE PLANT MAINTENANCE, LLC**:

Case caption: **BREECHER & CO., P.C. etal v. RELIABLE PLANT MAINTENANCE, LLC,**
Case number: **CV2016-001274** Court: **MARICOPA COUNTY SUPERIOR COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☐ Other

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda B. Griffin", written over a horizontal line.
Lynda B. Griffin
Custodian of Records

Initials **MLB**
File number **L-1642037-7**

COMMISSIONERS
DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **June 15, 2016**, **MARY LEE BLAIR**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **RELIABLE PLANT MAINTENANCE, LLC**.

Case caption: **BREECHER & CO., P.C. etal v. RELIABLE PLANT MAINTENANCE, LLC**,

Case number: **CV2016-001274**

Court: **MARICOPA COUNTY SUPERIOR COURT**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input type="checkbox"/> Other | |

On **June 16, 2016**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

RELIABLE PLANT MAINTENANCE, LLC
PO BOX 26229
TEMPE, AZ 85282

OR

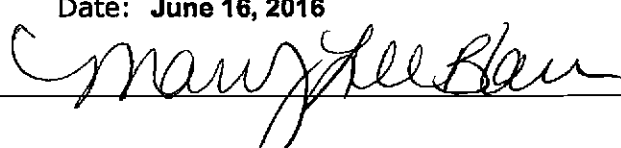
The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Printed name: **MARY LEE BLAIR**

Date: **June 16, 2016**

Signature: _____


If you would like legal advice from a lawyer
contact the Lawyer Referral Service at
602-257-1434
or
www.maricopalawyers.org
Sponsored by the
Maricopa County Bar Association

Name of Person Filing: Anthony Breecher
Your Address: 303 W. Coolidge St.
Your City, State, Zip Code: Phoenix, AZ 85013
Your Telephone Number: (602) 291-4803
Attorney Bar Number (if applicable): 030899
Representing ☐ Self (Without an Attorney) or ☒ Plaintiff or ☐ Defendant

Breecher & Co., P.C. **SUPERIOR COURT OF ARIZONA**
MARICOPA COUNTY
Matthew E. Breecher
Name of Plaintiff

Case No.: CV2016-001274

Reliable Plant Maintenance, LLC
Name of Defendant

SUMMONS

**WARNING: This is an official document from the court that affects your rights. Read this carefully.
If you do not understand it, contact a lawyer for help.**

FROM THE STATE OF ARIZONA TO Reliable Plant Maintenance, LLC
Name of Defendant

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 or the Office of the Clerk of the Superior Court, 222 East Javelina Drive, Mesa, Arizona 85210-6201 or Office of the Clerk of Superior Court, 14264 W. Tierra Buena Lane, Surprise, Arizona 85374. Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.
3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Plaintiff/Attorney listed at the address at the top of this paper, or from the Clerk of the Superior Court's Customer Service Center at 601 W. Jackson, Phoenix, Arizona 85003 or at 222 E. Javelina Drive, Mesa, Arizona 85210.

5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least five (5) days before your scheduled court date.

SIGNED AND SEALED this date

MICHAEL K. JEANES, CLERK OF COURT

By _____
Deputy Clerk

COPY

JUN 13 2016



MICHAEL K. JEANES, CLERK
K. WHITSON
DEPUTY CLERK

Anthony E. Breecher [AZ Bar No.: 030899]
303 W. Coolidge St.
Phoenix, AZ 85013
Telephone: 602-291-4803

Attorney for Plaintiff Matthew E. Breecher

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

BREECHER & CO., P.C., an Arizona
corporation;
MATTHEW E. BREECHER, an individual.

Plaintiff,

vs.

MEGA METALS, INC., an Arizona
corporation; SUNSTATE ENERGY, LLC, an
Arizona limited liability company;
RELIABLE PLANT MAINTENANCE, LLC,
an Arizona limited liability company,

Defendants.

Case No.: CV2016-001274

COMPLAINT

(Tort - Non-Motor Vehicle)

Plaintiffs, BREECHER & CO., P.C., and MATTHEW E. BREECHER, by and through
undersigned counsel, for his Complaint against Defendants MEGA METALS, INC.,
SUNSTATE ENERGY, LLC, and RELIABLE PLANT MAINTENANCE, LLC state and
allege as follows:

PARTIES AND JURISDICTION

1. Plaintiff Breecher & Co., P.C. is an Arizona Corporation, in good standing,
with its principal place of business in Maricopa County.
2. Plaintiff Matthew Breecher is an individual residing in Maricopa County,
Arizona.
3. Defendant Mega Metals, Inc. ("Mega Metals") is an Arizona corporation that
at all relevant times conducted business in Maricopa County, Arizona.

1 4. Defendant Sunstate Energy, LLC ("Sunstate") is an Arizona limited liability
2 company that at all relevant times conducted business in Maricopa County, Arizona.

3 5. Defendant Reliable Plant Maintenance, LLC ("Reliable") is an Arizona limited
4 liability company that at all relevant times conducted business in Maricopa County,
5 Arizona.

6 6. All conduct, events, actions, occurrences, and omissions of Defendants upon
7 which this complaint is based, occurred in Maricopa County, Arizona.

8 7. Jurisdiction and venue are appropriate in Maricopa County, Arizona under
9 A.R.S. § 12-123, A.R.S. § 12-401 and Ariz. Const. Art. 6, § 14.

10 **GENERAL ALLEGATIONS**

11 8. Plaintiffs Breecher & Co., P.C., and Matthew E. Breecher rented an office
12 within the building operated by Breecher Sales, Inc., for the purpose of conducting business
13 operations; and that office contained significant personal and business property.

14 9. On and before February 20, 2014, Mega Metals operated an exotic metals
15 processing plant located at 1325 N. 22nd Avenue (the "Mega Metals Property").

16 10. The Breecher Sales Property and the Mega Metals Property share a common
17 boundary.

18 11. Mega Metals, Sunstate, and Reliable (collectively "Defendants"), among other
19 things, allowed welding work and the storage bales of shredded titanium, among other
20 metals, and combustible and flammable fuels on the Mega Metals Property.

21 12. During all relevant times, Mega Metals retained control of, and responsibility
22 for, the operations, maintenance, and accessibility of the Mega Metals Property.

23 13. Defendant Mega Metals contracted with Sunstate for metal fabrication
24 services, to which Sunstate hired Reliable to perform the fabrication work.

25 **NEGLIGENCE**

26 14. Defendant Mega Metals, as the owner and operator of the Mega Metals
27 Property, owed a duty to Plaintiffs and others surrounding the premises to maintain and
28

1 ensure a safe environment to protect surrounding neighbors from unreasonably dangerous
2 conditions.

3 15. Defendant Sunstate, as a contractor at the Mega Metals Property, owed a duty
4 to Plaintiffs and others surrounding the premises to maintain and ensure a safe
5 environment to protect surrounding neighbors from unreasonably dangerous conditions.

6 16. Defendant Reliable, as a subcontractor and operator at the Mega Metals
7 Property, owed a duty to Plaintiff and others surrounding the premises to maintain a safe
8 environment to protect surrounding neighbors from unreasonably dangerous conditions.

9 17. On and before February 20, 2014, Defendants allowed welding and metal
10 fabrication work to take place in close proximity to highly combustible titanium bails that
11 were improperly stored within the Mega Metals Property.

12 18. The close proximity of the welding operations and storage of flammable
13 material constituted an extremely hazardous condition that created an unreasonable danger
14 to everyone near the Mega Metals Property.

15 19. Defendants knew or should have known that heat and debris generated from
16 welding work near highly flammable material creates a dangerous condition.

17 20. Within the Mega Metals Property, on February 20, 2014, heat and hot debris
18 was produced by the welding work being conducted, which ignited the improperly stored
19 titanium bails creating an uncontrollable fire.

20 21. Due to the clear and present danger of the quickly growing fire, Defendants'
21 employees and other occupants removed themselves from the building and property.

22 22. Defendants made no attempt to inform Breecher or any of the occupants of
23 the Breecher Property that the fire had started and/or was spreading in a way that
24 endangered the Breecher Property.

25 23. The fire caused all of the buildings surrounding the Mega Metals Property to
26 be evacuated.

27 24. The Phoenix Fire Department and Forensic Fire Consultants, LLC (a forensic
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1 fire consultant hired by Plaintiffs) investigated the fire and determined that the fire
2 originated within the pile of combustible metals situated in the Mega Metal Property and
3 was ignited by the heated welding debris precipitated by Reliable's welding work
4 performed for Mega Metals.

5 25. Defendants knew or should have known that Plaintiffs, and others in
6 proximity to Mega Metals, would suffer damage if Defendants did not maintain a safe
7 premises and ensure safe operations within the Mega Metals Property.

8 26. Defendants breached their duties to Plaintiffs and surrounding property
9 owners by creating and continuing to allow such a dangerous condition to exist, and by
10 welding, and allowing welding to take place, in proximity to highly flammable and
11 dangerous materials, despite the clear and obvious safety hazard.

12 27. As a direct and proximate result of the negligence of Defendants and the
13 presence of the hazardous and unreasonably dangerous condition on the Mega Metals
14 Property, Plaintiffs sustained severe, permanent, and irreparable damages to their personal
15 property, business property, reputation, and livelihood.

16 28. As a further direct and proximate result of Defendants' negligence, Plaintiffs
17 have incurred the significant and necessary expenses for emergency disaster recovery,
18 repair, and replacement of the damaged and destroyed property.

19 29. As a further direct and proximate result of Defendants' negligence, Plaintiffs
20 have suffered significant business income and continuity losses.

21 30. As a further direct and proximate result of Defendants' negligence, Plaintiffs
22 have incurred, and will continue to incur, great expense and time to repair and replace their
23 damaged property and reputation.

24
25 WHEREFORE, Plaintiffs pray for Judgment against Defendant for the following:

- 26 a) Damages suffered by Matthew Breecher for business losses of personal property,
27 inventory, and business property; estimated to be in the range of \$75,000. This
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1 includes business personal property in the form of books, computers, furniture,
2 and tools of the trade. Only \$31,000 of this loss was covered by insurance; leaving
3 \$44,000 in lost property value.

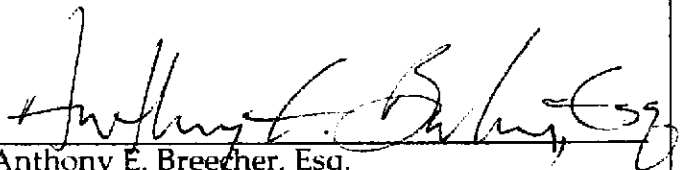
- 4 b) Damages suffered by Matthew Breecher for business continuity losses; these
5 include the loss of custom software that was stored, exclusively, on the
6 computers located at the destroyed office, which required hundreds of man-
7 hours to create (estimated at 500 hours). Creating the development environment
8 and writing the computer code to create these intellectual materials carried an
9 opportunity cost of approximately \$100/hour; placing the total loss of this
10 property at \$50,000 in direct damages. There are also indirect damages associated
11 with the loss of this property, as the development of this custom computer code
12 had resulted in saleable products. After their loss, these products could no longer
13 be offered to customers of Mr. Breecher or his Consulting Firm.
- 14 c) Furthermore, Mr. Breecher was forced to wind-down his recently-created sole-
15 proprietorship CPA firm (Arizona Board of Accountancy firm #4507) because the
16 documentation necessary for his firm to maintain licensure through the State
17 Board was destroyed in the fire. A dollar-value can be assigned to this asset at a
18 future time.
- 19 d) The loss of the firm resulted in the loss of all associated business opportunities,
20 including a long-term audit client: Rio Rico Fire District. The expected revenue
21 from this business relationship was \$9,500/year. (\$28,500-\$47,500 over the
22 subsequent 3-5 year period)
- 23 e) All other damages suffered by Plaintiffs as a result of the incident caused by
24 Defendants' negligence;
- 25 f) Additionally, the Plaintiffs believe that the conduct of the Defendants was of a
26 quality and a nature that warrants Punitive Damages to deter them from
27 operating their business in a similarly careless fashion in the future. Intent can be
28

1 inferred from the facts: where the plaintiff knew or should have known that the
2 outcome was reasonably certain to occur. Here, the outcome of a fire starting
3 under conditions that put welding work so close to flammable materials was
4 substantially certain. Thus, punitive damages, in an amount to be determined at
5 trial are appropriate.

6 g) For such costs as are incurred in this action and awardable under A.R.S. § 12-341,
7 et seq.;

8 h) Such other and further relief as the Court deems just and proper.

9
10 DATED this 19th day of February, 2016.

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13 
14 Anthony E. Breecher, Esq.
15 Attorney for Plaintiff
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DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

STATEMENT FOR SERVICE OF PROCESS

ENTITY NAME – give the exact name of the corporation or LLC as currently shown in A.C.C. records:


Reliable Plant Maintenance, LLC

A.C.C. FILE NUMBER:

L16420377

Find the A.C.C. file number on the upper corner of filed documents OR on our website at: <http://www.azcc.gov/Divisions/Corporations>

By my signature below, I **certify under the penalty of perjury** that, upon information, knowledge, and belief, the above-named entity has either failed to appoint a statutory agent or failed to maintain a statutory agent at the statutory agent address on record with the Arizona Corporation Commission.


Signature

Antoine Phil Gabb
Printed Name

6-17-16
Date

Service of process fee: \$25.00
All fees are nonrefundable.

Mail: Arizona Corporation Commission - Records Section
1300 W. Washington St., Phoenix, Arizona 85007
Fax: 602-542-3414

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.
All documents filed with the Arizona Corporation Commission are public record and are open for public inspection.
If you have questions after reading the instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: MLEEBLAI
Invoice No.: 5092451

Check Batch:
Invoice Date: 06/15/2016
Date Received: 06/15/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS L-1642037-7 RELIABLE PLANT MAINTENANCE, LLC	\$25.00
Total Documents: \$		25.00
	CHECK 202	\$25.00
	PAYMENT	
Balance Due: \$		0.00

Corporate Maintenance

06/15/2016

State of Arizona Public Access System

1:27 PM

File Number: L-1642037-7

Corp. Name: RELIABLE PLANT MAINTENANCE, LLC

Domestic Address

PO BOX 26229

TEMPE, AZ 85285

Second Address

Agent: MICHAEL A MUNIZ SR

Status: APPOINTED 11/23/2010

Mailing Address:

244 E BALBOA DR

TEMPE, AZ 85282

Agent Last Updated: 03/08/2011

*** SEE COMMENTS ***

Business Type:

Domicile: ARIZONA

County: MARICOPA

Corporation Type: DOMESTIC L.L.C.

Life Period: PERPETUAL

Incorporation Date: 11/23/2010

Approval Date: 01/06/2011

Last A/R Received: /

Date A/R Entered:

Next Report Due:

INVALID KEY FUNCTION. (A058)

Antoine Phil Cobb MCS27

