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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JIMMY LEE RENFRO, a single man, Plaintiff, vs. MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT ("MCCCD"), a public entity; TEVITA OFA and JANE DOE OFA, husband and wife; JANE DOES 1-10; ABC COMPANIES 1-10; XYZ CORPS. 1-10; ABC PARTNERSHIPS 1-10, Defendants.	Case No.: CV2009-031791 **COMPLAINT**

Plaintiff, Jimmy Lee Renfro, by and through undersigned counsel, for his complaint against Defendants alleges as follows:

I.

(Parties, Jurisdiction, and Venue)

1. The Plaintiff, Jimmy Lee Renfro, is and at all times relevant hereto, was a resident of Kansas City, Missouri.

2. The Maricopa County Community College District ("MCCCD") is a public entity in the State of Arizona.

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3. The Defendant, Tevita Olfa, is, and all times relevant hereto, was a resident of Maricopa County, Arizona.

4. The acts and omission complained of herein occurred in Maricopa County, Arizona, within the jurisdiction of this Court.

5. Jimmy Lee Renfro submitted a timely and proper Notice of Claim which has been denied.

6. Jurisdiction and venue are appropriate in this Court.

7. The amount in controversy exceeds the minimal jurisdictional limits of this Court.

II.

(Factual Background)

8. On December 6, 2008, Jimmy Lee Renfro traveled with his family from Kansas City, Missouri to Phoenix, Arizona to attend the Phoenix College v. Harper College football game. Mr. Renfro and his family were there to support Mr. Renfro's nephew who played for Harper College.

9. The Harper College football team pulled off one of the greatest comebacks in its 38-year history in the third quarter of the game allowing Harper College to win the game.

10. Following the game, Phoenix College wide receiver, Tevita Ofa, went into the stands and brutally attacked Mr. Renfro. Tevita Ofa repeatedly struck Mr. Renfro in his face and head with his closed fists. Tevita Ofa was dressed in his football gear and uniform at the time of the attack.

11. As a direct and proximate result of the assault, Mr. Renfro began to feel immediate pain and swelling in his face, head, and right eye. Mr. Renfro was dazed and confused by the attack.

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12. Mr. Renfro was humiliated in front of his family, friends, other spectators, and other Phoenix College and Harper College football players.

13. Mr. Renfro suffered further humiliation and embarrassment when the attack was reported in the newspapers and shown on local television

14. Over the next several days, Mr. Renfro hoped the swelling in his face, headaches, pain, and blurred vision would subside. Unfortunately, his headaches and eye problems persisted.

15. After about a week, the swelling in his face had decreased, but he still had headaches, blurred vision and now had blood in his right eye. Mr. Renfro sought medical care with Research Hospital on December 12, 2008.

16. After an initial exam, Mr. Renfro was diagnosed with contusion and subconjunctival hemorrhage. Mr. Renfro was released on a PRN basis and advised to follow up in a couple of weeks. Mr. Renfro was prescribed pain medication and advised to apply cold packs to his eye and head to reduce the swelling.

17. Due to continuing pain, Mr. Renfro sought care with K.C. Eye Specialist M.D. on December 16, 2008. Mr. Renfro was diagnosed with subconjunctival hemorrhage.

18. Today, Mr. Renfro still complains of eye and head pain. His vision is blurred at times and he has to rely on his left eye. Mr. Renfro has permanent residual weakness and impairment of his right eye. Mr. Renfro now wears glasses. The injury to his eye and the resulting weakness makes his eye more susceptible to future injuries and will cause an acceleration of degenerative changes to his eye.

III.
Count I – Negligence (MCCCD)

19. Plaintiff incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

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20. Defendant MCCCD was negligent for failing to prevent the football players from entering the stands immediately following the game.

21. Given the violent nature of this sport and aggression of the players, it was foreseeable that players would be highly agitated after the game and likely to engage in violent aggression towards opposing fans if allowed to interact with them.

22. MCCCD should have taken adequate measures to prevent players from entering the stands immediately following the game.

23. MCCCD could have had additional security, gates, fences, walls or any of numerous other measures that have been taken by colleges across the country to prevent this type of foreseeable tragedy from occurring.

IV.

Count II – Batter (Tevita Ofa)

24. Plaintiff incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

25. Tevita Ofa purposefully and intentionally physically attacked Jimmy Renfro.

26. As a result of Mr. Ofa's attack, Jimmy Renfro was injured.

27. Jimmy Renfro's injuries resulted in specific and general damages to be determined at trial.

V.

Count III - Punitive Damages (Tevita Ofa)

28. Plaintiff incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

29. Tevita Ofa's attack on Jimmy Renfro was done with intent to injure or reckless disregard for the near certainty this injury would result.

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30. The attack was of a most vicious and unmitigated nature warranting damages beyond compensatory damages.

31. Jimmy Renfro is entitled to punitive damages in an amount to be determined at trial.

WHEREFORE, Plaintiffs pray for Judgment against Defendants, as follows:

A. Judgment in favor of Plaintiff;

B. For specific and general damages for Plaintiff in a fair, just, and reasonable sum in excess of the minimum jurisdictional limits of this Court;

C. For present and future medical expenses incurred by Plaintiff in a sum according to proof;

D. For Plaintiff's costs and fees, including attorney's fees; and

E. For such other and further relief as the Court determines to be appropriate under the circumstance.

DATED this 9th day of October, 2009.

JARDINE, BAKER, HICKMAN & HOUSTON

By_____

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