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*Attorneys for Plaintiff Emilie Henrichsen*

ARIZONA SUPERIOR COURT

MARICOPA COUNTY

Emilie Henrichsen, an individual,

Plaintiff,

v.

City of Chandler; Chandler Police  
Department; Maricopa County; Maricopa  
County Attorney's Office; Maricopa  
County Office of the Medical Examiner;  
Maricopa County Office of Vital  
Registration; Arizona Department of Health  
Services; Arizona Department of Health  
Services Bureau of Vital Records; State  
Registrar of Vital Statistics; John Does and  
Jane Does I-X; and ABC Business Entities  
I-X,

Defendants,

John Does and Jane Does XI-D; and ABC  
Business Entities XI-D,

Real Parties in Interest.

No. **CV2025-018383**

**VERIFIED COMPLAINT FOR  
SPECIAL ACTION**

Plaintiff Emilie Henrichsen ("Emilie") brings this statutory special action against

Defendants City of Chandler; Chandler Police Department; Maricopa County; Maricopa County Attorney's Office; Maricopa County Office of the Medical Examiner; Maricopa County Office of Vital Registration; Arizona Department of Health Services; Arizona Department of Health Services Bureau of Vital Records; and State Registrar of Vital Statistics (collectively, "Defendants"), and alleges as follows:

### **Overview**

Emilie is going through a parent's worst nightmare right now. She lost her young son, her three-year-old Trigg Chapman Kiser ("Trigg"), on May 18, 2025, following a heartbreaking accidental drowning at the family's home on May 12, 2025. Emilie is trying her best to be there for her surviving son, two-month-old Theodore. But every day is a battle.

Emilie and her family desperately want to grieve in private, but sadly, the public will not let them. Trigg's death has become a media frenzy. Appallingly, 100+ public record requests have been filed with both the City of Chandler and the Maricopa County Medical Examiner's Office. The records requested presumably<sup>1</sup> reveal graphic, distressing, and intimate details of Trigg's death that have no bearing on government accountability. To allow disclosure in these circumstances would be to turn Arizona's Public Records Law into a weapon of emotional harm, rather than a tool of government transparency.

Emilie respectfully urges this Court to prevent the profound invasion of privacy that would result from the public disclosure of these sensitive materials. She prays that the Court

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<sup>1</sup> Neither Emilie nor Emilie's counsel has reviewed the investigative or post-mortem records at issue, including but not limited to the police report, supplemental reports, security camera footage of the accidental drowning, body-worn camera footage, scene photos, 9-1-1 recording/transcript, autopsy report, autopsy photos, and death certificate, because these records have not been made available to them. Nor does Emilie wish to ever view them. Accordingly, Emilie's counsel cannot know the full extent or nature of the sensitive, graphic, or private content they may contain. Upon information and belief, the records, particularly the security camera footage of the accidental drowning, are exceptionally raw and graphic.

1 enter an order permanently enjoining Defendants from granting public access to any  
2 investigative or post-mortem records related to the tragic death of her son, Trigg. In the  
3 alternative, should the Court find that some degree of public access may be warranted, Emilie  
4 requests that the Court first conduct an in-camera review of all records and, until such review is  
5 complete, temporarily enjoin Defendants from releasing any portion of the records.

### 6 **Jurisdiction and Venue**

7 1. The Court has jurisdiction over this special action pursuant to Rules 2(b)(1) and 4  
8 of the Arizona Rules of Procedure for Special Actions (“RPSA”).

9 2. Venue in this Court is proper pursuant to A.R.S. § 12-401 and RPSA 6(a).

### 10 **The Parties**

11 3. Plaintiff Emilie is the natural mother of Trigg, deceased. At all material times  
12 hereto, Emilie was a resident of Maricopa County, Arizona.

13 4. Defendant City of Chandler is an Arizona municipal corporation and a “public  
14 body” as defined by A.R.S. § 39-121.01(A)(2). It is subject to Arizona’s Public Records Law,  
15 A.R.S. §§ 39-121 to -129.

16 5. Defendant Chandler Police Department is a subdivision of the City of Chandler  
17 tasked with law enforcement services within city limits. It is a “public body” under A.R.S. § 39-  
18 121.01(A)(2) and is subject to Arizona’s Public Records Law.

19 6. Defendant Maricopa County is a political subdivision of the State of Arizona and  
20 is a “public body” under A.R.S. § 39-121.01(A)(2). It oversees various agencies and offices,  
21 including law enforcement and medical examiner services. It is subject to Arizona’s Public  
22 Records Law.

23 7. Defendant Maricopa County Attorney’s Office is a department of Maricopa  
24 County and is responsible for prosecuting criminal offenses, including those investigated by the

1 Chandler Police Department. It is a “public body” under A.R.S. § 39-121.01(A)(2) and is subject  
2 to Arizona’s Public Records Law.

3 8. Defendant Maricopa County Office of the Medical Examiner is a department  
4 within Maricopa County responsible for conducting autopsies, preparing death reports, and  
5 maintaining related forensic records. It is a “public body” under A.R.S. § 39-121.01(A)(2) and  
6 is subject to Arizona’s Public Records Law.

7 9. Defendant Maricopa County Office of Vital Registration is an agency within  
8 Maricopa County tasked with issuing and maintaining official records of birth and death at the  
9 county level. It is a “public body” under A.R.S. § 39-121.01(A)(2) and is subject to Arizona’s  
10 Public Records Law.

11 10. Defendant Arizona Department of Health Services is a state agency established  
12 pursuant to Arizona law. Arizona Department of Health Services oversees public health systems,  
13 including the state’s vital records system. Arizona Department of Health Services is a “public  
14 body” under A.R.S. § 39-121.01(A)(2) and is subject to Arizona’s Public Records Law.

15 11. Defendant Arizona Department of Health Services Bureau of Vital Records is a  
16 division of Arizona Department of Health Services tasked with maintaining and issuing official  
17 state records of birth and death. It is a “public body” under A.R.S. § 39-121.01(A)(2) and is  
18 subject to Arizona’s Public Records Law.

19 12. Defendant State Registrar of Vital Statistics is the official designated by Arizona  
20 Department of Health Services to serve as the custodian of the State of Arizona’s vital records.  
21 The Registrar is responsible for the issuance of death certificates and related records. The  
22 Registrar is a “public body” under A.R.S. § 39-121.01(A)(2) and subject to Arizona’s Public  
23 Records Law.

24 13. Defendants John Does and Jane Does I-X are fictitious individuals whose true

1 names are presently unknown but who may be in possession of public records at issue in this  
2 matter.

3 14. Defendants ABC Business Entities I-X are fictitious entities whose true names and  
4 capacities are unknown at this time but who may be in possession of public records at issue in  
5 this matter.

6 15. Real Parties in Interest John Does and Jane Does XI-D are individuals whose  
7 identities are currently unknown but who have submitted public records requests to one or more  
8 Defendants seeking access to investigative and post-mortem records related to the death of Trigg.

9 16. Real Parties in Interest ABC Business Entities XI-D are entities whose identities  
10 are currently unknown but who have submitted public records requests to one or more  
11 Defendants seeking access to investigative and post-mortem records related to the death of Trigg.

12 **Arizona's Public Records Law, A.R.S. §§ 39-121 to -129**

13 17. Arizona's Public Records Law governs the public's right to inspect and obtain  
14 records maintained by public bodies.

15 18. However, this right of access is not absolute. Courts may limit or deny disclosure  
16 when individual privacy interests outweigh the presumption in favor of public access. *Carlson*  
17 *v. Pima County*, 141 Ariz. 487, 491 (1984).

18 19. The core purpose of Arizona's Public Records Law is to promote transparency in  
19 government by ensuring that the public can monitor the actions and decisions of public officials.  
20 *Schoeneweis v. Hamner*, 223 Ariz. 169, 175 (Ct. App. 2009).

21 20. Arizona's Public Records Law is not intended to serve public curiosity or to  
22 compel disclosure of materials that do not meaningfully advance government accountability,  
23 particularly where such disclosure would intrude upon personal dignity or cause unnecessary  
24 harm to private individuals. *Id.*

## Family Privacy Under Arizona's Public Records Law

21. Arizona law recognizes that family members have a compelling privacy interest in preventing the disclosure of graphic materials related to a loved one's injuries or death. *See, e.g., A.H. Belo Corp. v. Mesa Police Dep't*, 202 Ariz. 184, 188 (Ct. App. 2002) (emphasis added) ("[W]e cannot imagine a more fundamental concern or one more directly associated with 'the intimate aspects of identity' and family autonomy than the desire to withhold from public display the *recorded suffering of one's child*."); *Schoeneweis*, 223 Ariz. at 175–76 ("[I]t is difficult to conceive of circumstances that would justify the public disclosure of autopsy photographs here.").

22. Courts have acknowledged that releasing such records do not serve a legitimate public oversight purpose when the facts surrounding the death are not in dispute. *See Schoeneweis*, 223 Ariz. at 175 (emphasis added) ("[W]hen records of government action are merely incidental to an otherwise private matter, including the death of an individual, privacy interests weigh more heavily... in those cases privacy interests might well justify the withholding of *all* autopsy documents from public view.").

23. Disclosure of graphic or intimate death-related records causes renewed trauma to surviving family members and violates their right to grieve privately. *Anthony v. Morgan*, WL 3364989, at \*4–5 (Ariz. Ct. App. June 16, 2016) ("The appellees' testimony supports the court's finding that . . . the release [of the autopsy photos] would significantly intrude upon the family's privacy and mental health.").

24. Arizona's Public Records Law serves the primary purpose of ensuring that the "people are able to monitor the activities of their government, *not* the lives of their fellow citizens." *Schoeneweis*, 223 Ariz. at 175 (emphasis added).

25. The "public interest" is not synonymous with "public curiosity." *Id.* at n.5.

26. Consistent with these principles, Arizona courts have recognized that in camera review is essential when records implicate substantial privacy concerns. *Schoeneweis*, 223 Ariz. at 175 (emphasis added) (“[T]he necessity of such a review becomes nearly *inescapable* when the court contemplates the release of documents that inherently raise significant privacy concerns,” and failure to do so “amounts to an abuse of discretion.”).

27. Both the United States Supreme Court and the Ninth Circuit echo the holdings of Arizona state courts, recognizing that shielding such private, intimate records from public disclosure is essential to preserving the dignity of the deceased and protecting the emotional well-being of surviving family members.

a. “Family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that, by intruding upon their own grief, tends to degrade the rites and respect they seek to accord to the deceased person who was once their own.” *Nat’l Archives & Recs. Admin. v. Favish*, 541 U.S. 157, 168 (2004).

b. “[T]he common law right to non-interference with a family’s remembrance of a decedent is so ingrained in our traditions that it is constitutionally protected” under the Due Process Clause of the Fourteenth Amendment. *Marsh v. County of San Diego*, 680 F.3d 1148, 1153 (9th Cir. 2012).

## Public Records Requests at Issue

28. On May 18, 2025, Emilie's three-year-old son Trigg passed away following a heartbreaking accidental drowning at the family's home on May 12, 2025.

29. Upon information and belief, since May 12, 2025, over a hundred individuals and/or entities have filed public records requests with the City of Chandler, requesting the

1 investigative records of the Chandler Police Department.<sup>2</sup>

2 30. Upon information and belief, since May 12, 2025, over a hundred individuals  
3 and/or entities have filed public records requests with the Chandler Police Department,  
4 requesting its investigative records.

5 31. Upon information and belief, since May 12, 2025, over a hundred individuals  
6 and/or entities have filed public records requests with Maricopa County Medical Examiner's  
7 Office, requesting the medical examiner's records.<sup>3</sup>

8 32. While Emilie is unaware of the identities of the requesting parties, it is believed  
9 that many of them seek the subject information for commercial purposes.

10 33. Trigg's untimely passing is a deeply personal and private family matter.

11 34. The public was not involved in his passing.

12 35. And the government's conduct was only tangentially involved: first responders  
13 arrived at the family's home in response to the May 12, 2025, 9-1-1 call.

14 36. Emilie and her family will suffer specific, material, and irreparable harm if the  
15 investigative records are released to the public. *See* Declaration of Emilie G. Henrichsen attached  
16 as Exhibit A.

17 37. Emilie and her family will suffer specific, material harm if the post-mortem  
18 records are released to the public. *See id.*

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20 <sup>2</sup> As discussed in FN 1, neither Emilie nor Emilie's counsel knows the precise contents of the  
21 Chandler Police Department's investigative file because these materials have not been made  
22 available to them. Nor does Emilie wish to ever view them. Upon information and belief, the file  
includes, among others, a police report, supplemental reports, graphic security camera footage  
of the accidental drowning, body-worn camera footage, photographs, 9-1-1 recording, 9-1-1  
transcript, and a Computer-Aided Dispatch report.

23 <sup>3</sup> As discussed in FN 1, neither Emilie nor Emilie's counsel knows the precise contents of the  
24 Maricopa County Medical Examiner Office's file because these materials have not been made  
available to them. Nor does Emilie wish to ever view them. Upon information and belief, the file  
includes, among others, an autopsy report, autopsy photos, and a death certificate.



38. Emilie is entitled to special-action relief pursuant to RPSA 4(b).

39. Emilie has no equally plain, speedy, or adequate legal remedy from the imminent actions of the Defendants. Emilie will suffer irreparable harm and damage from the violation of her rights, unless the relief is granted through this special action.

40. Because this is a statutory special action, Emilie is entitled to a “speedy return hearing” on her application for an order to show cause. *See* RPSA 7(c), (f); *see also* Ariz. R. Civ. P. 7.3(a) (authorizing a superior court to “issue an order requiring a person to show cause why the party applying for the order should not have the relief it requests in its application”).

## PRAYER FOR RELIEF

WHEREFORE, Emilie respectfully prays that the Court:

A. Permanently enjoin Defendants from granting public access to any investigative or post-mortem records related to the tragic death of her son, Trigg;

B. In the alternative, temporarily enjoin Defendants from releasing any portion of those records unless and until the Court has conducted a full in-camera review and determined what, if any, information may be lawfully disclosed; and,

C. Grant such other and further relief as the Court deems just and proper.

Dated: May 27, 2025

**GALLAGHER & KENNEDY, P.A.**

By: /s/ *Kevin E. O'Malley*

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1 Original of the foregoing efiled via  
2 AZTurboCourt this 27<sup>th</sup> day of May, 2025.

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4 /s/ Rona L. Miller  
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# **EXHIBIT A**

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*Attorneys for Plaintiff Emilie Henrichsen*

ARIZONA SUPERIOR COURT

MARICOPA COUNTY

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Maricopa County Office of Vital  
Registration; Arizona Department of Health  
Services; Arizona Department of Health  
Services Bureau of Vital Records; State  
Registrar of Vital Statistics; John Does and  
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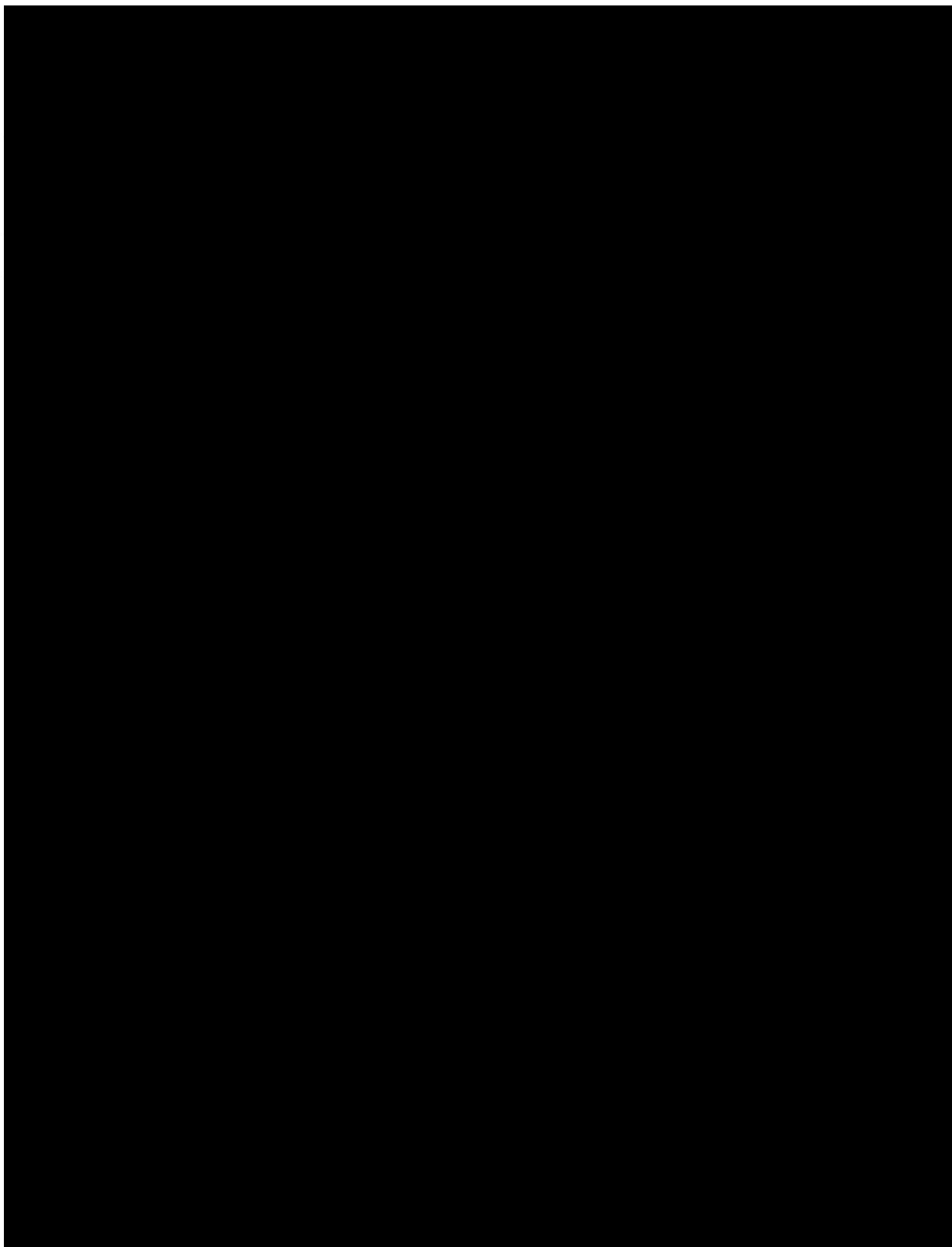
John Does and Jane Does XI-D; and ABC  
Business Entities XI-D,

Real Parties in Interest.

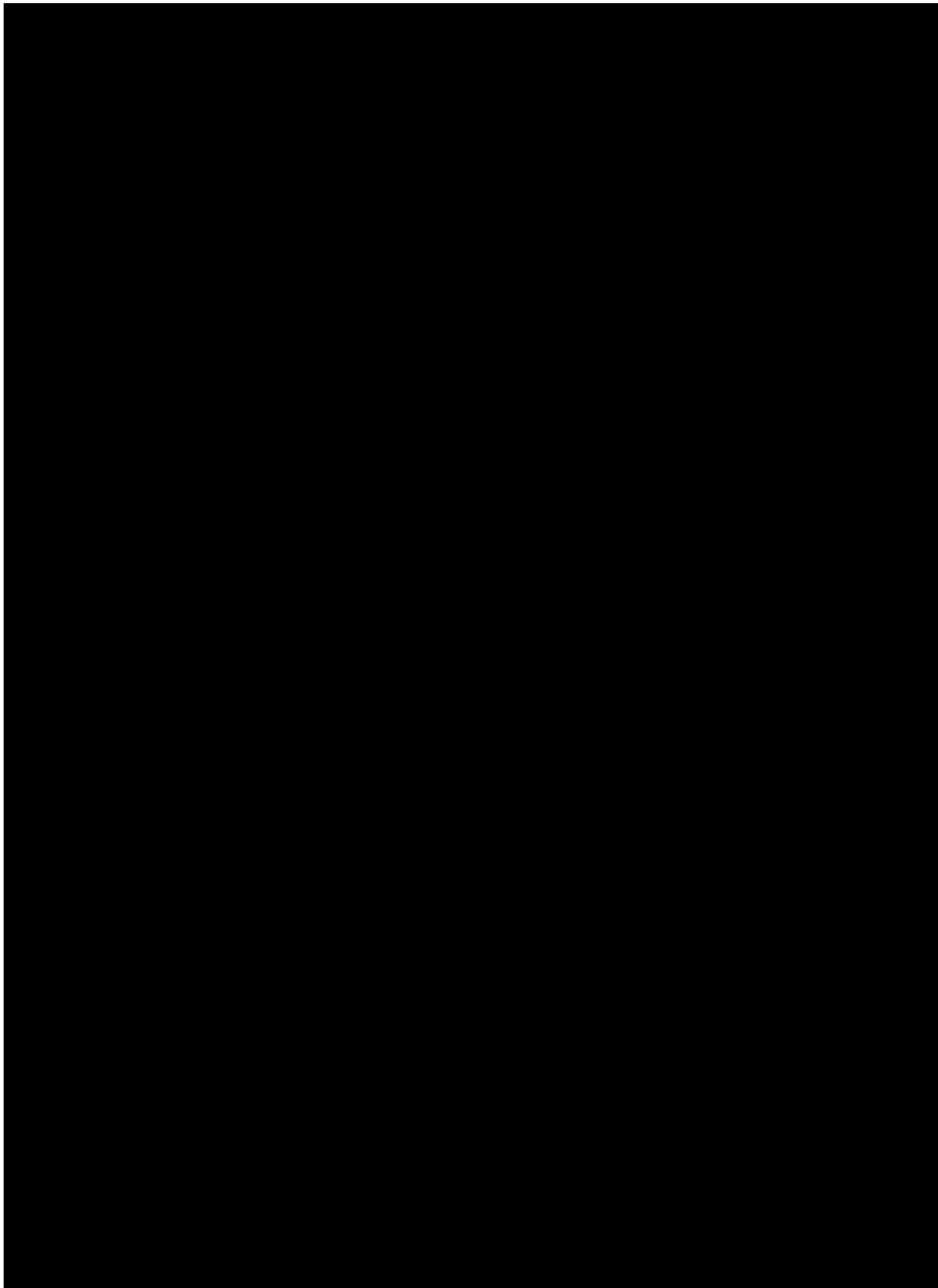
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**DECLARATION OF EMILIE G.  
HENRICHSEN**

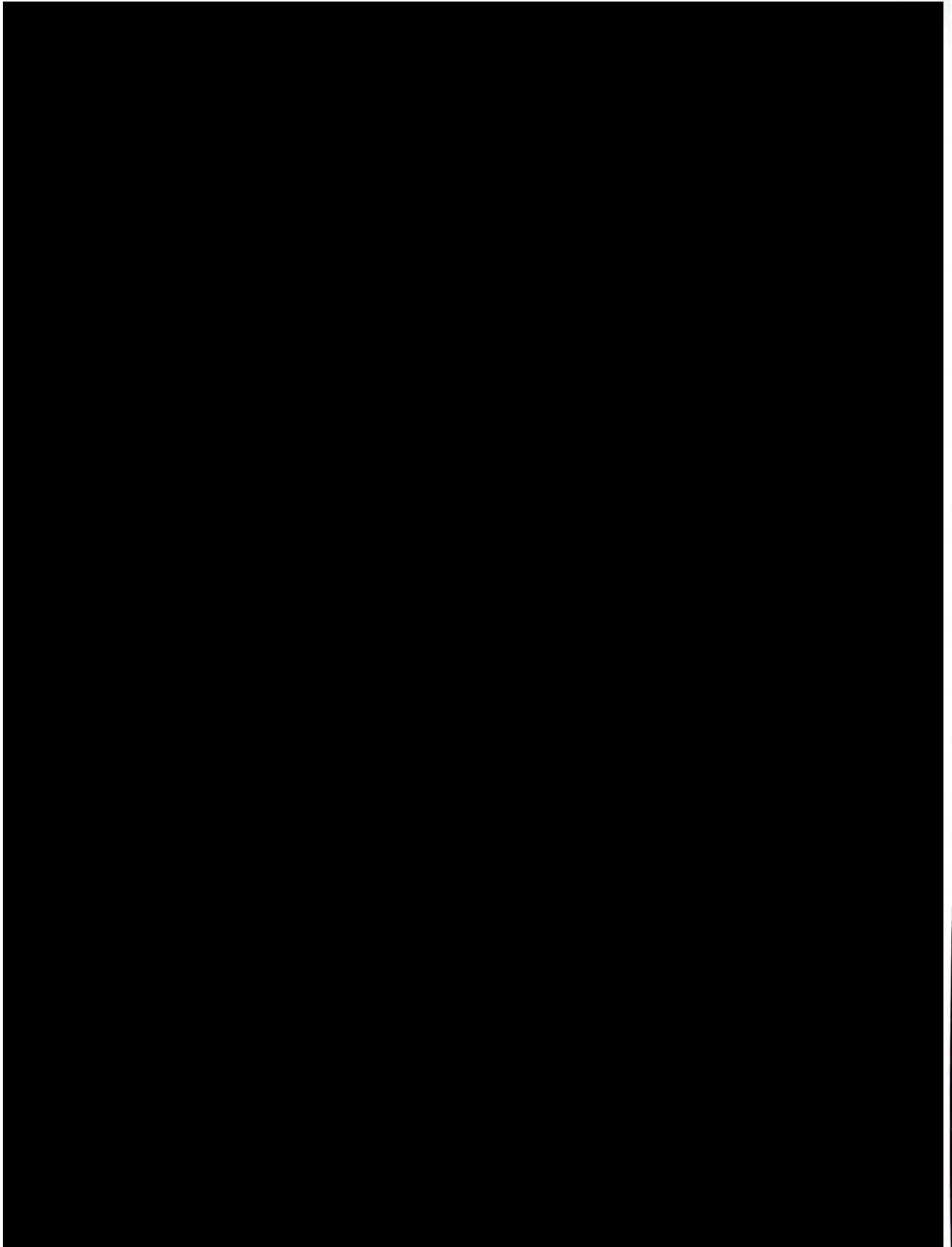
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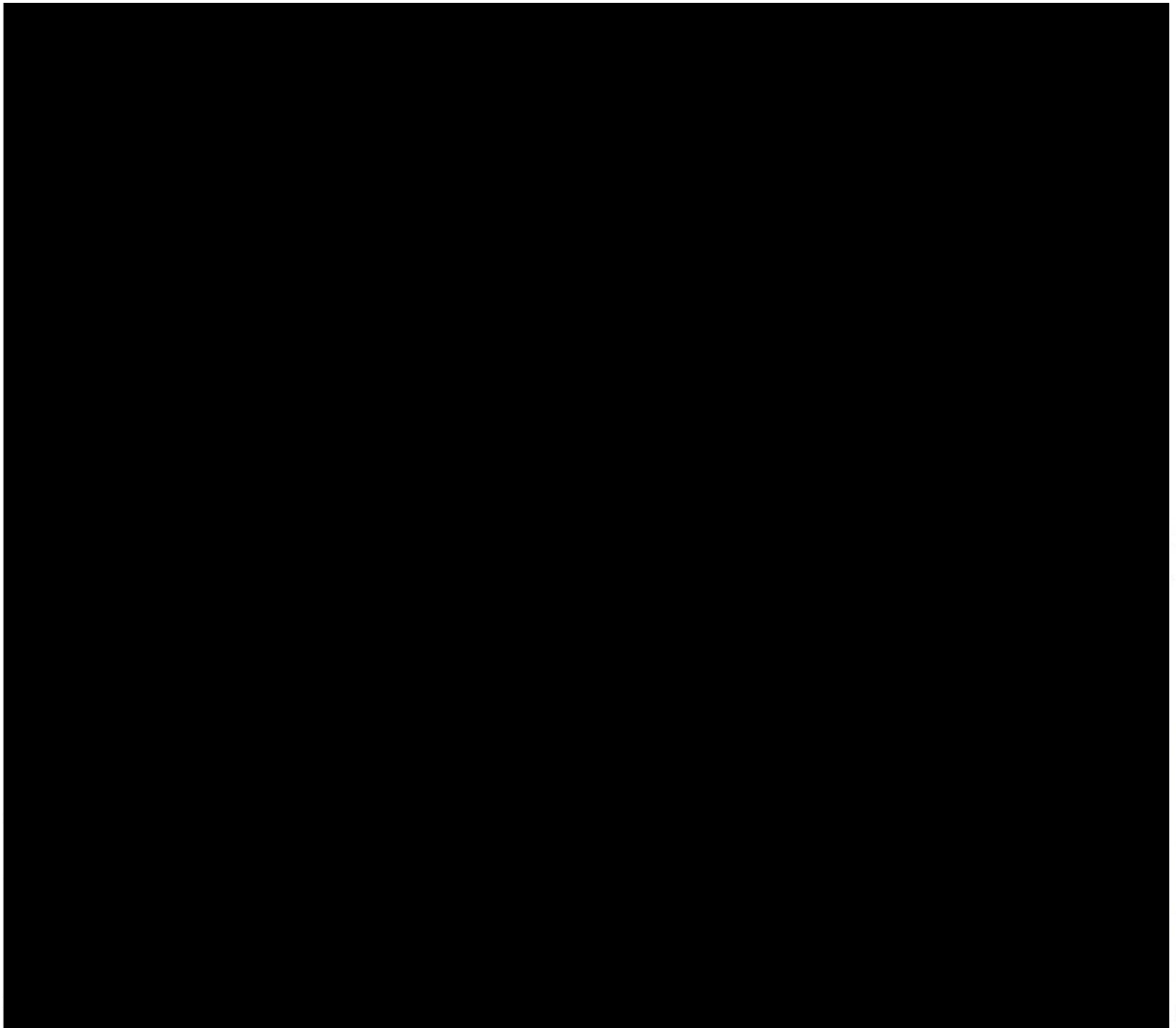
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DATED: May 27, 2025

  
Emilie G. Henrichsen