

1 PANISH | SHEA | BOYLE | RAVIPUDI LLP
 ROBERT S. GLASSMAN, State Bar No. 269816
 2 *glassman@psblaw.com*
 COLIN S. DUFFY, State Bar No. 313465
 3 *duffy@psblaw.com*
 1111 Santa Monica Boulevard, Suite 700
 4 Los Angeles, California 90025
 Telephone: 310.477.1700
 5 Facsimile: 310.477.1699

6 DADGOSTAR LAW LLP
 HIRAD D. DADGOSTAR, State Bar No. 241549
 7 *hirad@dadgostarlaw.com*
 AZADEH D. GILBERT, State Bar No. 276072
 8 *azadeh@dadgostarlaw.com*
 12400 Wilshire Boulevard, Fourth Floor
 9 Los Angeles, California 90025
 Telephone: 310.820.1022
 10 Facsimile: 310.820.1088

11 Attorneys for Plaintiffs

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

15 DISRAELI DAVIS, individually and as
 Successor-in-Interest to the decedent
 16 PAYTON DAVIS, and TANIA TEIGEN,
 individually as HEIR of the decedent
 17 PAYTON DAVIS,
 18 Plaintiffs,
 19 v.
 20 NEW SPIRIT RECOVERY LLC, ARTHUR
 KAZANCHIAN, an individual, and DOES 1
 21 through 50, inclusive,
 22 Defendants.

Case No.

COMPLAINT FOR DAMAGES:

- 1. **WRONGFUL DEATH**
- 2. **GENERAL NEGLIGENCE**
- 3. **FRAUD/MISREPRESENTATION**
- 4. **BREACH OF CONTRACT**

DEMAND FOR JURY TRIAL

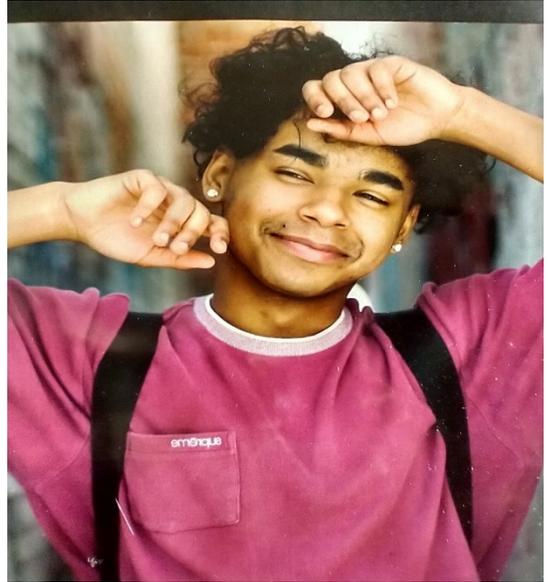
24 Plaintiffs DISRAELI DAVIS, individually and as Successor-in-Interest to the decedent
 25 PAYTON DAVIS, and TANIA TEIGEN, individually as HEIR of the decedent PAYTON
 26 DAVIS, bring this lawsuit for causes of action against Defendants NEW SPIRIT RECOVERY
 27 LLC, ARTHUR KAZANCHIAN, an individual, and DOES 1 through 50, inclusive. Plaintiffs
 28 complain and allege as follows:

GENERAL ALLEGATIONS

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1. Payton Davis ("Payton") was a 20 year old young man who admitted himself, with the support of his family, into a residential drug treatment facility. Payton and his family were hopeful that with the 24/7 support and monitoring the drug treatment facility promised him, he would be able to accomplish his goal of reaching sobriety. Unfortunately for Payton, these were empty promises, and within 10 days of his arrival Payton was found unconscious from a drug overdose on the back patio of the facility. He was taken to the hospital where he ultimately died. Payton's family never could have imagined that when they dropped him off at this facility that he would never return home. The facility knew that Payton needed to be monitored at the time of his overdose, but they failed to do their duty. Payton would have walked out, rather than rolled out, of this facility if it had done what it had promised and was supposed to do.

2. On or about April 4, 2021, Payton admitted as a client of a non-medical residential drug treatment program operated by NEW SPIRIT RECOVERY LLC, ARTHUR KAZANCHIAN, and DOES 1 through 50, inclusive, hereafter collectively referred to as "Defendants". Defendants stated that Payton's reason and goal for treatment was to "get sober this time" because he "want[ed] to better my[his] life". Defendants acknowledged that his strengths entering into treatment where a willingness to seek treatment, good physical health, and a family support system.



3. On April 15, 2021 around 9:45 PM, Payton was found unconscious from a drug overdose at the Defendants' non-medical residential drug treatment facility. Following the overdose, an ambulance transported Payton to an emergency treatment center where he was put on life support.

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1 4. Unfortunately, on May 3,
 2 2021, Payton succumbed to his injuries
 3 and died as a result of being able to gain
 4 access to and ingest illegal drugs in a
 5 non-medical residential drug treatment
 6 facility. Payton was never married and
 7 did not have any children. He is
 8 survived by his parents and siblings.



9 5. Plaintiff DISRAELI DAVIS, ("Mr. Davis") is the father and Successor-in-Interest
 10 to the decedent PAYTON DAVIS. Mr. Davis, at all times relevant, was and is, a resident of Los
 11 Angeles County, California.

12 6. Plaintiff TANIA TEIGEN, ("Ms. Teigen") is the mother and HEIR of the decedent
 13 PAYTON DAVIS. Ms. Teigen, at all times relevant, was and is, a resident of Saint Paul,
 14 Minnesota.

15 7. Mr. Davis and Ms. Teigen are hereafter collectively referred to as "Plaintiffs."
 16 Plaintiffs, as decedent's heirs, brought this wrongful death action pursuant California Code of Civil
 17 Procedure Section 377.60.

18 8. Payton Davis, decedent, would have been the plaintiff in this action had he lived.
 19 Payton's actions are brought by Plaintiffs on behalf of their son pursuant to California Code of
 20 Civil Procedure Sections 377.10 to 377.35 inclusive.

21 9. Defendant NEW SPIRIT RECOVERY LLC ("New Spirit") at all times herein
 22 relevant, was and is, a limited liability company, organized under the laws of the State of
 23 California, with its principal place of business in the City of Encino, County of Los Angeles, State
 24 of California. New Spirit's non-medical treatment center is located at 17856 Cathedral Place,
 25 Encino, California.

26 10. Defendant ARTHUR KAZANCHIAN ("Kazanchian") at all time herein relevant, is
 27 believed to be a resident of Los Angeles, California. Mr. Kazanchian is listed as the managing
 28 member of New Spirit.

1 17. Defendants advertised, promoted, and represented that they are a "luxury" addiction
 2 treatment center in California, who provides 24/7
 3 residential treatment and "assures you that our staff is
 4 there to support you 24/7." New Spirit claims that it has a
 5 "team of credentialed counselors, medical experts who
 6 are on constant stand-by and will be there to support you
 7 through your challenging times." Despite these claims, New
 8 Spirit did not provide 24/7 support and monitoring to Payton during his challenging time.



From New Spirit's Website

9 18. Defendants, by and through its agent/employees and advertising material, made
 10 representations that prospective clients, including Payton, could expect to have its "specialized
 11 staffs" available to provide "constant medical-emotional-mental support for patients," when such
 12 statements were in fact false.

13 19. Prior to April 15, 2021, and continuing after Payton's death on May 3, 2021,
 14 Defendants engaged in a practice of falsely marketing, promoting, and advertising representing
 15 that their program had a medical staff with expert addiction doctors onsite and that they provided
 16 24/7 supervision. Such marketing and advertising was, and continues to be, conducted by New
 17 Spirit. Such marketing, promoting and advertising was and continues to be false, misleading, and
 18 deceptive.

19 20. Defendants knew or should have known that individuals suffering from addiction
 20 problems are often assisted by, and relied upon, family members to help them in making decisions
 21 and gaining admission into detoxification programs.

22 21. Payton Davis and Plaintiffs determinately relied upon these false representations to
 23 believe that Defendants would provide a safe and secure place for Payton to undergo drug
 24 detoxification treatment.

25 22. Plaintiffs are informed and believe and thereupon allege that Defendants, by and
 26 through their agents/employees, made representations to prospective clients and their families,
 27 including decedent Payton Davis, that they were capable of providing a safe, supportive, and
 28 secure environment so that a client could undergo the difficult process of detoxification and

1 maintain sobriety, when such statements were in fact false and untrue.

2 23. Plaintiffs are informed and believe and thereupon allege that Defendants, by and
3 through their agents/employees, made representations to prospective clients and their families,
4 including decedent Payton Davis, that they were capable of providing an environment with a
5 secure facility that was drug free and knew how to prevent or manage relapses in the facility, when
6 such statements were in fact false and untrue. New Spirit did not provide a secure environment
7 that prevented clients from leaving the facility and returning with drugs. New Spirit did not have
8 any controls or monitoring over its entry and exit points.

9 24. Plaintiffs are informed, believe and thereupon allege that the employees staffing the
10 Defendants' residential treatment house were unqualified, untrained, and inexperienced in
11 handling or meeting the needs of clients in Defendants' non-medical residential drug rehabilitation
12 program. Moreover, there were not enough employees to provide the proper monitoring of clients
13 receiving in-patient treatment.

14 25. Defendants ultimately failed to properly assess, refer, treat, and monitor Payton
15 while he was under their care, and as a direct and proximate result, he died.

16 26. Payton had a history of opioid addiction and sought treatment from Defendants for
17 his addiction and was admitted for detoxification and inpatient treatment at New Start on or about
18 April 4, 2021.

19 27. On April 5, 2021, Defendants met with Payton to develop an initial treatment plan
20 that consisted of being medically stabilized, completing a safe medical detox, and following the
21 staffs recommended treatment plan. Defendants' notes from this meeting indicate that they were
22 aware that Payton had previously sought inpatient treatment, but relapsed immediately following
23 the treatment. They also were aware that he suffered from mental health problems. Despite these
24 factors, Defendants admitted Payton in their facility and accepted responsibility for his treatment.

25 28. During the intake process, Defendants told Payton that he was entering a drug free
26 environment with 24 hour supervision. He was also told that if he used drugs he may be referred to
27 an appropriate detox or other recovery service for a minimum of 72 hours before being put back in
28 the program. Defendants acknowledged that Payton was at high risk of continued substance use or

1 mental deterioration in the absence of close 24-hour monitoring and structured treatment. Payton
2 was not receiving close 24-hour monitoring at the time of his overdose.

3 29. Upon admission, Payton was placed in an observation status that required checks
4 on him every 30 minutes for the first 72 hours.

5 30. On April 6, 2021, Payton's observation time ended after only 24 hours of
6 observation, despite the fact that Defendants' observation log states that this observation period
7 should last for the first 72 hours.

8 31. On the evening of April 13, 2021, Defendants' employees observed Payton's
9 demeanor change and believed he was under the influence of drugs. Payton's room was searched
10 and no drugs were found, he was then monitored throughout the evening and removed from an
11 observation status in the morning. The next morning he tested positive for Fentanyl. On April 14,
12 2021, Defendants made the decision that Payton needed to be transferred out to a higher level of
13 care and he was set to transfer on April 16, 2021.

14 32. Defendants removed him from an observation status on the morning of April 14,
15 2021, even though the log sheet states it should last for 72 hours. If Defendants had followed their
16 procedure and kept him in the observation status until he was transferred, then he would not have
17 been able to gain access to drugs and overdose.

18 33. Defendants failed to keep Payton on 24 hour monitored observation despite the fact
19 that they had knowledge of his relapse and indicated that he would likely use again without
20 continued monitoring.

21 34. On April 15, 2021, around 9:45 PM, Payton was found unresponsive on the back
22 patio of Defendants treatment facility. He was transferred to an emergency center where he
23 remained on life support until he died.

24 35. Based on information and belief, Payton Davis died on May 3, 2021. The coroner
25 determined the cause of death to be multiple organ failure as a result of
26 methamphetamine/benzodiazepine intoxication.

27 36. Defendants had a duty to provide a secure environment and to monitor Payton
28 following his relapse. Defendants acknowledged that he required 24 hour monitoring, but they

1 failed to do so. As a direct and proximate cause of Defendants failure to properly access, secure,
2 and monitor Payton, he died, leaving behind his grieving parents.

3 **FIRST CAUSE OF ACTION: WRONGFUL DEATH**

4 **(By Plaintiffs Against All Defendants and DOES 1 Through 50, Inclusive)**

5 37. Plaintiffs hereby re-allege and incorporate herein by reference each and every
6 allegation contained in the previous paragraphs as though fully set forth herein.

7 38. Defendants held themselves out as being a medical setting with 24/7 support and
8 monitoring that was capable of providing all necessary services to support Payton with his goal of
9 obtaining sobriety and preventing his mother from losing another child to a drug overdose.

10 39. Defendants owed Payton and Plaintiffs a duty to provide the necessary services, a
11 safe environment, support, monitoring, and training for employees that a reasonably prudent drug
12 rehabilitation facility would do under the same or similar circumstances.

13 40. Defendants had a duty of care to act reasonably and within the applicable industry
14 standards and regulatory standards of care in providing services to Decedent Payton Davis. Said
15 duties of care included, but are not limited to, developing, adopting and implementing policies and
16 procedures to operate their non-medical drug rehab program in a manner to keep clients such as
17 Payton, safe while in their program, which include policies on assessment, referral, and
18 monitoring of Payton.

19 41. Defendants, their agents, employees, officers, and directors, knew and understood
20 that keeping clients at their facility who were medically, and/or psychologically unstable and unfit
21 for their residential program was unsafe and dangerous, yet they proceeded to keep clients,
22 including Payton, within their program without providing the appropriate staffing, assessment,
23 referral, and monitoring, necessary to provide such services in a safe manner.

24 42. Plaintiffs are informed, believe, and allege that at all relevant times Defendants
25 failed to use reasonable care in staffing, as well as assessing, referring, and monitoring Payton
26 while she was in Defendant's care.

27 43. Defendants knowingly violated or permitted the violation of regulations in their
28 failure to assess, monitor, and refer Payton as they were required to do under its own policies and

1 California law.

2 44. Based on information and belief, Defendants' knew that Payton relapsed when he
3 tested positive for Fentanyl on April 14, 2021. This information should have put Defendants on
4 notice that he needed to be immediately referred to a higher level of care and placed on 24 hour
5 monitoring until he left their facility. Rather than take this reasonably prudent course of action
6 that any other non-medical drug treatment facility would have taken, they proceeded to leave
7 Payton and abandon him in his most crucial time of need. Defendants failed to use reasonable care
8 to monitor Payton as required under its own policies and procedures.

9 45. Defendants' failure to use reasonable care to monitor Payton included but is not
10 limited to their failure to monitor Payton between the hours of 8:00 am April 14, 2021 and his
11 scheduled transfer on April 16, 2021 when Payton was required to be under 24 hour supervision
12 for his confirmed relapse and drug use.

13 46. Defendants also failed to use reasonable care and ensure Payton was not able to
14 acquire illegal drugs when they allowed him access to his cell phone without supervision.

15 47. Defendants' knew or should have known that its failure to use reasonable care to
16 monitor Payton as required under its own policies and procedures would likely result in injury or
17 death to Payton.

18 48. Based on information and belief, the failure of Defendants to properly assess,
19 monitor, and timely facilitate referral of Payton for higher level of care was done by employees
20 and/or management of Defendants, who are not doctor/medical professionals or properly trained to
21 ensure the safety of a high risk client.

22 49. Defendants' conduct, as set forth herein, violated and/or permitted the violation of
23 laws and/or regulations in place to govern the operation of non-medical residential drug rehab
24 programs that Defendants operate and to guard/protect the safety of clients in such programs.

25 50. Decedent Payton Davis was an individual within the class of persons who said laws
26 and regulations was put into effect to protect.

27 51. Defendants' conduct was negligent per se.

28 52. Defendants' wrongful conduct, as alleged here, was a substantial factor and/or

1 proximate cause of the death of Decedent Payton Davis.

2 53. Defendants' acted with a conscious disregard for the safety of Payton, with
3 oppression, fraud, and malice in breaching their statutory, regulatory, and/or fiduciary duties to
4 Payton. Defendants owed a duty to Payton to act reasonably and to meet the relevant standards of
5 care in the industry, those adopted by Defendants, as well as those set forth under California law.

6 54. Defendants knew that it was probable that their conduct in failing to facilitate an
7 immediate transfer of Payton for higher level medical care, and failing to monitor him when it was
8 known that he had relapsed and would likely try to use drugs again, would cause harm to Payton
9 and knowingly disregard the risk; it was malicious in that Defendants' despicable conduct was
10 carried on with willful and conscious disregard for the safety and rights of Payton; and it was
11 oppressive in that Defendants' despicable conduct subjected Payton to cruel and unjust suffering,
12 in conscious disregard of her rights to a safe place for drug rehabilitation.

13 55. Defendants' actions and omissions as set forth above that resulted in Payton's death
14 were a result of financially-motivated business decisions which placed greater value on keeping a
15 paying client, Payton, at their facility, and not diverting additional resources for 24 hour
16 monitoring of Payton, than on Payton's safety.

17 56. Payton Davis endured pain and suffering caused by Defendants acts and/or
18 admissions prior to his death. Pursuant California Code of Civil Procedure section 377.34,
19 Plaintiffs seek damages, as decedent's successors in interest according to California Code of Civil
20 Procedure section 377.11 and decedent's heirs at law, for Payton's pain and suffering prior to his
21 death.

22 57. As a direct and proximate result of Defendants' wrongful conduct, Plaintiffs have
23 suffered tremendous grief and sorrow, including but not limited to, loss of love, affection, service,
24 comfort, care, companionship, society, support, and consortium resulting from the death of their
25 beloved son, Payton Davis. This action is brought by Payton's heirs pursuant to California Code of
26 Civil Procedure Section 377.60.

27 58. Plaintiffs have also suffered special damages including medical expenses and
28 funeral expenses for their son, Payton.

1 59. Plaintiffs, pursuant to California Civil Code section 3294, seek an award of
2 punitive damages as Decedent's heirs.

3 **SECOND CAUSE OF ACTION: GENERAL NEGLIGENCE**

4 **(By Plaintiffs Against All Defendants and DOES 1 Through 50, Inclusive)**

5 60. Plaintiffs hereby re-allege and incorporate herein by reference each and every
6 allegation contained in the previous paragraphs as though fully set forth herein.

7 61. Defendants had a duty to provide a reasonably safe and secure place for Payton to
8 receive treatment.

9 62. Defendants knew or should have known that the stress associated with
10 detoxification and sobriety for drug users creates an environment where addicts will relapse to
11 cope with the changes. Based on this common knowledge, Defendants should have ensured that
12 they were able the control entry and exit of its facility so clients could not leave and come back
13 with drugs.

14 63. Defendants failed to use reasonable care in setting up its procedures to ensure they
15 had control over people entering and exiting its facility. A client should never have been able to
16 leave Defendants' property without an employee being aware of the departure. Defendants failed
17 to maintain accountability for its clients.

18 64. Defendants failed to use reasonable care in their hiring of employees who were not
19 licensed and/or qualified to provide the required services in order to provide a reasonably safe and
20 secure place for Payton's treatment.

21 65. Defendants also failed to use reasonable care in the training of their employees as it
22 relates to assessment, referral, and monitoring needed in order to provide a reasonably safe place
23 for residential drug and alcohol treatment.

24 66. As a direct and proximate cause of Defendants failure to use reasonable care to
25 provide a safe place with properly trained employees, Payton experienced pain and suffering and
26 ultimate death. Damages are authorized under California Code of Civil Procedure section 377.34.

27 67. As a direct and proximate cause of Defendants failure to use reasonable care to
28 provide a safe place with properly trained employees, Plaintiffs, lost their son.

THIRD CAUSE OF ACTION: FRAUD/MISREPRESENTATION

(By Plaintiffs Against All Defendants and DOES 1 Through 50, Inclusive)

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3 68. Plaintiffs hereby re-allege and incorporate herein by reference each and every
4 allegation contained in the previous paragraphs as though fully set forth herein.

5 69. Defendants made representations about their facilities, program, history, and the
6 nature of the care they provided that were materially misleading and false. This included making
7 representations to Payton that they had enough staff to properly administer services and he would
8 be closely monitored 24/7 while in detox and the residential treatment. These representations were
9 in fact false.

10 70. Payton and Plaintiffs relied on Defendants' representations that they would provide
11 a safe place for detoxification in making the decision to submit to Defendants' residential
12 treatment program and pay thousands of dollars for treatment. As a result of not receiving the
13 proper care that was promised, Payton died.

14 71. If Defendants' been truthful about the nature their residential treatment business,
15 unqualified personnel, and the lack of medical care available at New Spirit, then Payton would not
16 have agreed to enter the program, and would have sought out a different facility offering a higher
17 level of care.

18 72. Defendants' officers, directors, and managing agents authorized in advance, and
19 ratified after the fact, the acts of concealment and misrepresentation by their agents and/employees
20 acting within the scope of their employment and/or agency. Defendants concealed the fact that
21 they lacked the ability to provide the ability to properly monitor clients 24/7, even when they had
22 notice of a relapse. Defendants identified that Payton need 24/7 monitoring and intended that he
23 relied on the fact that they promised to have it for him.

24 73. Plaintiffs and Payton reasonably relied on Defendants' claim that he would have
25 24/7 monitoring during his treatment.

26 74. As a direct and proximate result of the Plaintiffs' detrimental reliance on the above
27 misrepresentations Payton died and Plaintiffs were harmed.

28 75. As a direct and proximate result of the foregoing, Plaintiff suffered economic and

1 non-economic damages which will be shown according to proof at trial.

2 76. As a further legal result of defendants' tortious misconduct, as aforesaid, Plaintiffs
3 incurred funeral and burial expenses.

4 77. Plaintiffs believes and thereupon allege that the conduct and misrepresentations of
5 the Defendants as alleged herein was intentional, deceitful and /or exhibiting a knowing and
6 conscious disregard for the health and safety of Decedent Payton Davis so as to justify an award of
7 punitive damages.

8 **FOURTH CAUSE OF ACTION: BEACH OF CONTRACT**

9 **(By Plaintiffs Against All Defendants and DOES 1 Through 50, Inclusive)**

10 78. Plaintiffs hereby re-allege and incorporate herein by reference each and every
11 allegation contained in the previous paragraphs as though fully set forth herein.

12 79. On April 5, 2021 Payton entered into a contract, admission agreement, with
13 Defendants where Defendants agreed to several services. Specifically, Defendants agreed to
14 provide a drug free environment with 24 hour supervision. Defendants further agreed that they
15 could treat an individual that had a history of relapse and needed 24 hour monitoring.

16 80. Payton performed his services under the contract. Defendants could have removed
17 him from the facility if he violated the agreement, but they choose to keep him in treatment.

18 81. Defendants breached this contract by failing to provide Payton with 24 hour
19 monitoring, support, assessments, and a safe environment.

20 82. Defendants group session notes indicate that Payton was fully engaged and an
21 active participant in these sessions, when in actuality he was using his cell phone during group
22 therapy.

23 83. As a result, Payton died from lack of support, monitoring, and proper assessment.
24 These breaches were a substantial factor in causing Payton's death.

25 84. Payton suffered economic damages in the amount paid for the services to New
26 Spirit which will be shown according to proof at trial.

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PRAYER FOR DAMAGES

WHEREFORE, Plaintiffs pray for judgment against all Defendants as follows:

1. For all past and future general, non-economic damages in excess of the minimum jurisdiction for an unlimited civil case, the exact amount according to proof;
4. For past and future special damages, according to proof;
5. Punitive damages according to proof;
6. Prejudgment and post judgment interest;
7. For all costs of suit, according to proof; and
8. For such other and further relief as this court may deem just and proper.

DATED: February 8, 2022

PANISH | SHEA | BOYLE | RAVIPUDI LLP

By: 
 Robert S. Glassman
 Colin S. Duffy
 Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs request a jury trial on all causes of action as to all Defendants.

DATED: February 8, 2022

PANISH | SHEA | BOYLE | RAVIPUDI LLP

By: 
 Robert S. Glassman
 Colin S. Duffy
 Attorneys for Plaintiff

EXHIBIT A

PANISH | SHEA | BOYLE | RAVIPUDI LLP

psbirlaw.com

1 PANISH | SHEA | BOYLE | RAVIPUDI LLP
 ROBERT S. GLASSMAN, State Bar No. 269816
 2 *glassman@psblaw.com*
 COLIN S. DUFFY, State Bar No.
 3 *duffy@psblaw.com*
 11111 Santa Monica Boulevard, Suite 700
 4 Los Angeles, California 90025
 Telephone: 310.477.1700
 5 Facsimile: 310.477.1699

6 DADGOSTAR LAW LLP
 HIRAD D. DAGOSTAR, State Bar No. 241549
 7 *hirad@dadgostarlaw.com*
 AZADEH D. GILBERT, State Bar No. 276072
 8 *azadeh@dadgostarlaw.com*
 12400 Wilshire Boulevard, Fourth Floor
 9 Los Angeles, California 90025
 Telephone: 310.820.1022
 10 Facsimile: 310.820.1088

11 Attorneys for Plaintiffs

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 13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 14 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
 15

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21 New Spirit Recovery LLC, ARTHUR
 KAZANCHIAN, an individual, and DOES 1
 22 through 50, inclusive,

23 Defendants.

Case No.

**DECLARATION OF DISRAELI DAVIS
 AS THE SUCCESSOR-IN-INTEREST TO
 DECEDENT PAYTON DAVIS
 PURSUANT TO C.C.P. § 377.32**

24
25 **DECLARATION OF DISRAELI DAVIS**

26 I, DISRAELI DAVIS, in accordance with the provisions of Section 377.32 of the Code of
 27 Civil Procedure, declare and say that:

28 1. Decedent Payton Davis (DOB: August 9, 2000), died on May 3, 2021, in the

1 County of Los Angeles, State of California at Providence Cedars-Sinai Tarzana Medical Center, as
2 a result of a drug overdose that took place at New Spirit Recovery center in Encino, CA.

3 2. Decedent Payton Davis was my son at the time of his death.

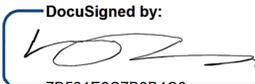
4 3. No proceeding is now pending in California for administration of the decedent's
5 estate.

6 4. I, as the father of the Decedent, am the Decedent's successor in interest as defined
7 in Code of Civil Procedure §377.11, and succeeds to the Decedent's interests in all respects. No
8 other person has a superior right to commence the action or proceeding or to be substituted for the
9 Decedent in the pending action.

10 5. Attached as Exhibit "1" to this declaration is a true and correct certified copy of my
11 son's death certificate.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed on this 31st day of January, 2022, at Los Angeles, California.

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17 DISRAELI DAVIS

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