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Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

JOSEPH E. SOLDWEDEL, (a married man),)	Case No.
)	
Plaintiff,)	COMPLAINT
)	
vs.)	(Civil Assault, Civil Battery, Intentional
)	Infliction of Emotional Distress)
FELICE MAGANA, (a.k.a. SOLDWEDEL), (a)	
married woman).)	
)	
Defendants.)	
)	

THE PARTIES

1. Joseph E. Soldwedel, (hereinafter "SOLDWEDEL"), is a married man, presently residing in Yuma County, State of Arizona.

2. Felice Magana, also known as Felice Soldwedel, (hereinafter "MAGANA"), is a married woman, residing in Yavapai County, State of Arizona.

3. SOLDWEDEL and MAGANA are parties to a dissolution of marriage action presently pending in Yavapai County, case # P1300DO 201700274. Their marital community was terminated prior to the filing of this action, though a Decree of Dissolution of Marriage has not yet been entered therein.

JURISDICTION AND VENUE

4. All transactions and events giving rise to the claims set forth herein took place in Yavapai County, Arizona.

5. This Court has jurisdiction over this matter and is a proper venue.

GENERAL ALLEGATIONS

6. At all times relevant to the allegations herein, SOLDWEDEL and MAGANA shared a primary residence together at 1369 Divinity Drive, Prescott, Arizona 86301.

7. During the time period from approximately November, 2016, through March, 2017, MAGANA had the apparent ability to cause harm to SOLDWEDEL.

8. During the time period from approximately November, 2016, through March, 2017, MAGANA prepared meals for SOLDWEDEL at their Primary Residence.

9. During the time period from approximately November, 2016, through March, 2017, and thereafter, SOLDWEDEL had physical symptoms of poisoning, including but not limited to abdominal pain, nausea, vomiting, anxiety and confusion.

10. After experiencing symptoms of poisoning, SOLDWEDEL submitted to toxicology testing. The toxicology test results were reviewed by a renowned expert in the field, Ernest P. Chiodo, M.D., J.D., M.P.H., M.S., M.B.A., C.I.H.

11. Dr. Chiodo provided a report of his findings dated September 7, 2017, attached hereto as Exhibit "A."

12. As indicated in Exhibit "A," Dr. Chiodo found that in the portion of SOLDWEDEL's tested hair from approximately November 29, 2016, to December 27, 2016, the thallium level was 77 ug/kg which is 15.4 times higher than the reference level.

1 13. As indicated in Exhibit “A,” Dr. Chiodo found that in the portion of
2 SOLDWEDEL’s tested hair from approximately February 7, 2017, to March 8, 2017, the
3 thallium level was 29 ug/kg which is 5.8 times higher than the reference level.

4 14. As indicated in Exhibit “A,” testing of water from SOLDWEDEL’s homes in
5 Hawaii and Arizona did not reveal the presence of Thallium.

6 15. As indicated in Exhibit “A,” SOLDWEDEL has no known environmental or
7 occupational exposures to thallium.

8 16. As indicated in Exhibit “A,” Dr. Chiodo found “*[t]he presence of thallium at*
9 *15.4 times the reference level during the November 29, 2016 to December 27, 2016 time*
10 *period and 5.8 times the reference level during the February 7, 2017 to March 8, 2017 time*
11 *period along with his lack of occupational or environmental exposure to thallium causes me*
12 *to opine that there is a strong probability that [SOLDWEDEL] has been intentionally*
13 *poisoned with thallium.*”

14 17. As a proximate result of the actions of MAGANA as alleged herein,
15 SOLDWEDEL has suffered damages in an amount to be established by proof at trial as
16 necessary, in an amount not less than Eighteen Million Dollars, (\$18,000,000.00).
17
18

19 **COUNT 1**
20 **CIVIL ASSUALT WITH INTENT TO CAUSE HARM**

21 18. SOLDWEDEL incorporates each of the allegations set forth in paragraphs 1
22 through 17 above.

23 19. Upon information and belief, during the time period from approximately
24 November, 2016, through March, 2017, MAGANA intentionally and knowingly added
25 dangerous toxic substances to meals she prepared for SOLDWEDEL at their Primary
26 Residence.

1 20. Upon information and belief, the dangerous toxic substances MAGANA
2 intentionally added to meals she prepared for SOLDWEDEL at their Primary Residence
3 include thallium and lithium.

4 21. Upon information and belief, MAGANA was aware of the dangerous toxic
5 properties of thallium and lithium at the times she intentionally and knowingly added
6 dangerous toxic substances to meals she prepared for SOLDWEDEL at their Primary
7 Residence.

8 22. Upon information and belief, SOLDWEDEL's physical symptoms of
9 poisoning from approximately November, 2016, through March, 2017, and thereafter, were
10 caused by the ingestion of meals having dangerous toxic substances that were intentionally
11 and knowingly added by MAGANA.

12 23. At no time did SOLDWEDEL consent to MAGANA adding dangerous toxic
13 substances to meals MAGANA prepared for him.

14 24. Upon information and belief, MAGANA added dangerous toxic substances to
15 meals she prepared for SOLDWEDEL at their Primary Residence with the intent to inflict
16 injury to SOLDWEDEL.

17 25. Upon SOLDWEDEL being informed he tested positive for the presence of
18 thallium at 15.4 times the reference level during the November 29, 2016 to December 27,
19 2016, time period and 5.8 times the reference level during the February 7, 2017, to March 8,
20 2017, time period, he has continuously been in, and remains in, reasonable apprehension of
21 immediate bodily harm that such presence may further cause.
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1 2017, time period, he has continuously been in, and remains in, reasonable apprehension of
2 immediate death that such presence may cause.

3 33. Upon information and belief, SOLDWEDEL's reasonable apprehension of
4 immediate death described herein was caused by the intentional acts of MAGANA alleged
5 herein.

6 34. Upon information and belief, as a direct and proximate result of MAGANA's
7 conduct alleged herein, SOLDWEDEL has suffered extreme mental anguish.

8
9 **COUNT 3**
CIVIL BATTERY WITH INTENT TO CAUSE HARM

10 35. SOLDWEDEL incorporates each of the allegations set forth in paragraphs 1
11 through 34 above.

12 36. Upon information and belief, during the time period from approximately
13 November, 2016, through March, 2017, MAGANA intentionally and knowingly provided to
14 SOLDWEDEL at their Primary Residence, meals she knew or had reason to believe included
15 dangerous toxic substances.
16

17 37. Upon information and belief, during the time period from approximately
18 November, 2016, through March, 2017, MAGANA intentionally and knowingly provided to
19 SOLDWEDEL at their Primary Residence, meals she knew or had reason to believe included
20 dangerous toxic substances, with the intent of having SOLDWEDEL unknowingly ingest the
21 dangerous toxic substances therein.
22

23 38. Upon information and belief, MAGANA intentionally and knowingly
24 provided to SOLDWEDEL at their Primary Residence, meals she knew or had reason to
25 believe included dangerous toxic substances, with the intent to inflict injury to
26 SOLDWEDEL.

1 39. At no time did SOLDWEDEL consent to MAGANA providing meals with
2 dangerous toxic substances to him.

3 40. Upon information and belief, during the time period from approximately
4 November, 2016, through March, 2017, meals having dangerous toxic substances
5 intentionally and knowingly provided by MAGANA caused harm to SOLDWEDEL.

6 41. Upon information and belief, as a direct and proximate result of MAGANA's
7 conduct alleged herein, SOLDWEDEL has suffered physical injuries including permanent
8 injuries.

9 42. Upon information and belief, as a direct and proximate result of MAGANA's
10 conduct alleged herein, SOLDWEDEL has suffered extreme mental anguish and physical
11 pain.

12 43. Upon information and belief, as a direct and proximate result of MAGANA's
13 conduct alleged herein, SOLDWEDEL has suffered economic losses and injury including
14 medical expenses and a diminishing of SOLDWEDEL's income earning capacity, all in an
15 amount to be determined by proof at trial as necessary.
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17
18 **COUNT 4**
19 **CIVIL BATTERY WITH INTENT TO CAUSE DEATH**

20 44. SOLDWEDEL incorporates each of the allegations set forth in paragraphs 1
21 through 43 above.

22 45. Upon information and belief, MAGANA intentionally and knowingly
23 provided to SOLDWEDEL at their Primary Residence, meals she knew or had reason to
24 believe included dangerous toxic substances, with the intent to cause the death of
25 SOLDWEDEL.
26

1 46. Upon information and belief, as a direct and proximate result of MAGANA's
2 conduct alleged herein, SOLDWEDEL has suffered extreme mental anguish.

3 **COUNT 5**
4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

5 47. SOLDWEDEL incorporates each of the allegations set forth in paragraphs 1
6 through 46 above.

7 48. Upon information and belief, the conduct of MAGANA alleged herein was
8 extreme and outrageous.

9 49. Upon information and belief, the conduct of MAGANA alleged herein was
10 intentional or reckless.

11 50. Upon information and belief, the conduct of MAGANA alleged herein caused
12 SOLDWEDEL to suffer severe emotional distress.

13 51. Upon information and belief, as a direct and proximate result of MAGANA's
14 conduct alleged herein, SOLDWEDEL has suffered extreme mental anguish.
15

16 WHEREFORE, Plaintiff, SOLDWEDEL, prays that for each count against
17 defendants, and against each of them, this Honorable Court:

18 A. Award Plaintiff, SOLDWEDEL, general damages for medical and related
19 expenses in an amount to be determined by proof at trial.

20 B. Award Plaintiff, SOLDWEDEL, compensatory damages.

21 C. Award Plaintiff, SOLDWEDEL, damages for severe emotional distress and
22 mental anguish.
23

24 D. Award Plaintiff, SOLDWEDEL, damages for pain and suffering.

25 E. Award Plaintiff, SOLDWEDEL, punitive damages.

26 F. Award Plaintiff, SOLDWEDEL, interest as allowed by law.

G. Award Plaintiff, SOLDWEDEL, attorney fees and costs incurred in the proceedings.

H. Award Plaintiff, SOLDWEDEL, any such other relief as the Court deems just and proper in the circumstances.

DATED June 22, 2018.

KATZ & BLOOM, P.L.C.

/s/Jay R. Bloom
Jay R. Bloom
Attorney for Plaintiff

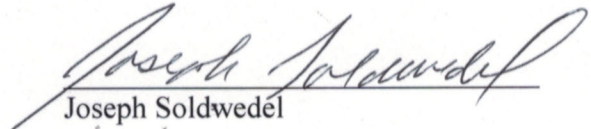
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VERIFICATION

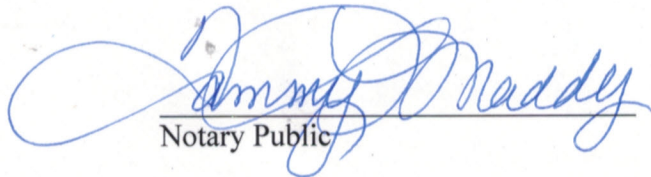
STATE OF Arizona)
COUNTY OF Yuma) ss.

Joseph Soldwedel, being first duly sworn, deposes and says:

That he is the Plaintiff in the foregoing Complaint; that he has read the above and knows the contents thereof; that the same is true of his own knowledge except for those matters stated on information and belief, and as to those matters, he believes them to be true.


Joseph Soldwedel

SUBSCRIBED and SWORN TO before me June 22, 2018.


Notary Public

My Commission Expires:

7/25/20

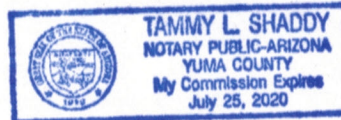


EXHIBIT "A"

ERNEST P. CHIDO, M.D., J.D., M.P.H., M.S., M.B.A., C.I.H.
35770 HARPER AVENUE, CLINTON TOWNSHIP, MI 48035
(586) 746-1761



DIPLOMATE OF THE AMERICAN BOARD OF INTERNAL MEDICINE
DIPLOMATE OF THE AMERICAN BOARD OF PREVENTIVE MEDICINE
IN OCCUPATIONAL MEDICINE
DIPLOMATE OF THE AMERICAN BOARD OF PREVENTIVE MEDICINE
IN PUBLIC HEALTH AND GENERAL PREVENTIVE MEDICINE
DIPLOMATE OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE
AS A CERTIFIED INDUSTRIAL HYGIENIST

September 2, 2017

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Re: Joseph Soldwedel

I have been asked to review toxicology test results to determine whether or not there is a significant possibility that Mr. Joseph Soldwedel is being intentionally poisoned with thallium.

My qualifications to provide an opinion in this matter are as follows:

QUALIFICATIONS OF REVIEWER TO OPINE

My qualifications include a Medical Degree (M.D.) from Wayne State University School of Medicine, a Master of Public Health (M.P.H.) from Harvard University School of Public Health, a Master of Science in Biomedical Engineering from Wayne State University, a Master of Science in Threat Response Management (biological, chemical, and radiological defense) from the University of Chicago, and a Master of Science in Occupational and Environmental Health Sciences with Specialization in Industrial Toxicology from Wayne State University.

I am board certified in the medical specialties of Internal Medicine, Occupational Medicine, and Public Health and General Preventive Medicine. Internal Medicine is the medical specialty most focused upon the diagnosis and treatment of diseases in adults. Occupational Medicine is the medical specialty most focused upon determining whether or not a work activity or activities of daily living caused a given disease. Public Health and

and General Preventive medicine is the epidemiological and biostatistical specialty within medicine. Physicians that are board certified in Public Health and General Preventive Medicine are the type of physicians that serve as the United States Centers for Disease Control and Prevention (CDC) **"Hot Zone"** physicians or as medical directors of a major city or state health department. I am also certified in the engineering and public health discipline of industrial hygiene by the American Board of Industrial Hygiene as a Certified Industrial Hygienist (C.I.H.) in the comprehensive practice of industrial hygiene. Industrial hygiene is the discipline involved in quantifying and controlling occupational and environmental hazards including chemical hazards. I am a past president of the Michigan Industrial Hygiene Society which was the first industrial hygiene organization in the United States. I served for many years as an assistant clinical professor of internal medicine, family medicine, and public health at Wayne State University School of Medicine. I have also served as an assistant adjunct professor of industrial hygiene and toxicology at Wayne State University. I have served as the Medical Director of the City of Detroit and was the chief physician responsible for measures designed to protect the public health of over one million persons living or working in the City of Detroit at the time of my service. My service as Medical Director of the City of Detroit was a position of substantial public responsibility. In this position I had the direct telephone number of the United States White House so that I could contact the President if there was a serious public health emergency in Detroit. I am licensed to practice medicine in Michigan, Illinois, Florida and New York.

I have been elected to full membership in the Society of Toxicology.

I have reviewed results of toxicology testing of hair from Mr. Joseph Soldwedel from Integrative Health Systems LLC dated August 17, 2017. The hair was collected on May 30, 2017. I also reviewed results of water testing from the homes of Mr. Soldwedel in Hawaii as well as from his home in Prescott, Arizona.

In the toxicology testing, the portion of the hair from approximately the November 29, 2016 to December 27, 2016 time period, the Thallium level was 77 ug/kg which is 15.4 times higher than the reference level.

In the toxicology testing portion of the hair from approximately the February 7, 2017 to March 8, 2017 time period, the level of Thallium was 29 ug/kg which is 5.8 times higher than the reference level.

Testing of water from his homes in Hawaii and Arizona did not reveal the presence of thallium.

Thallium is a metal that can be found in foods and liquids. It is colorless, tasteless, and odorless. In the past, it had been used as a rat and ant poison. However, due to the use of thallium in the intentional poisoning of humans, the use of thallium in ant and rat poison was discontinued in the 1960s. Thallium is known by the moniker of "inheritance

powder" and "poisoner's poison". While the use of thallium in ant and rat poison was discontinued in the 1960s, thallium can be easily bought through the internet.

It is my understanding that Mr. Soldwedel is a media company executive. He has no known environmental or occupational exposures to thallium. The presence of thallium at 15.4 times the reference level during the November 29, 2016 to December 27, 2016 time period and 5.8 times the reference level during the February 7, 2017 to March 8, 2017 time period along with his lack of occupational or environmental exposure to thallium causes me to opine that there is a strong probability that Mr. Soldwedel has been intentionally poisoned with thallium.

I strongly urge an immediate investigation by law enforcement officials concerning sources of intentional poisoning of Mr. Soldwedel with thallium.

Very truly yours,



Ernest P. Chiodo, M.D., J.D., M.P.H., M.S., M.B.A., C.I.H.

