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

| | | | |
|-------------------------|---|----------------------------|---------------|
| JUDICIAL WATCH, INC., |) | Case No.: | CV2014-003027 |
| |) | | |
| Plaintiff, |) | COMPLAINT | |
| |) | | |
| vs. |) | (Statutory Special Action) | |
| |) | | |
| PUBLIC SAFETY PERSONNEL |) | | |
| RETIREMENT SYSTEM |) | | |
| Defendant. |) | | |

Plaintiff Judicial Watch, Inc. brings this special action against Defendant Public Safety Personnel Retirement System to compel compliance with the Arizona Public Records Law, A.R.S. § 39-121 et seq. As grounds therefor, Plaintiffs allege as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Judicial Watch, Inc. ("Judicial Watch") is a non-profit, educational foundation that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Judicial Watch regularly requests access to the public records of federal, state, and local government

1 agencies, entities, and offices, and disseminates its findings
2 to the public.

3 2. Defendant Public Safety Personnel Retirement System
4 ("PSPRS") is a "Public body" as defined in A.R.S. § 39-121.01.

5 3. The Court has jurisdiction over this action pursuant
6 to A.R.S. § 39-121.02 and Rule 4(a) of Arizona Rules of
7 Procedure for Special Actions.

8 4. Venue is proper pursuant to A.R.S. § 12-401 and Rule
9 4(b) of Arizona Rules of Procedure for Special Actions.

10 **STATEMENT OF FACTS**

11 5. On or about March 7, 2014, the *Arizona Republic*
12 published an article on its website stating that PSPRS received
13 a federal grand-jury subpoena and that "PSPRS officials refused
14 to release a copy of the subpoena to The Arizona Republic
15 despite an assistant state attorney general's opinion that it is
16 a public document that should be readily released."

17 6. On March 11, 2014, via electronic mail and facsimile,
18 Judicial Watch requested that PSPRS provide a copy of the
19 federal grand-jury subpoena referenced in the *Arizona Republic*
20 article pursuant to the Arizona Public Records Law.

21 7. By electronic mail dated March 13, 2014, PSPRS
22 asserted that the requested record is not a public record.
23 PSPRS therefore refused to provide Judicial Watch with access to
24 the requested record.

1 8. As of the date of this Special Action, PSPRS continues
2 to deny Judicial Watch access to the requested record in
3 violation of A.R.S. § 39-121 et seq.

4 **COUNT 1**

5 (Violation of Arizona Public Records Law - Failure
6 to Produce or Provide Access)

7 9. Plaintiff re-alleges paragraphs 1 through 8 as if
8 fully stated herein.

9 10. Defendant has violated Arizona Public Records Law by
10 improperly withholding information and failing to provide access
11 to the requested record in its entirety.

12 11. Plaintiff is being irreparably harmed by reason of
13 Defendant's violation of Arizona Public Records Law, and
14 Plaintiff will continue to be irreparably harmed unless
15 Defendant is compelled to comply with the requirements of the
16 Arizona Public Records Law.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully prays that the Court: (1)
19 issue an order compelling Defendant to immediately provide
20 access to the requested public record; (2) award damages, costs,
21 and attorneys' fees pursuant to A.R.S. § 39-121.02 and Rule 4(g)
22 of Arizona Rules of Procedure for Special Actions; and (3) grant
23 Plaintiff such other relief as the Court deems just and proper.
24
25

1 Dated: March 13, 2014 NAPIER, COURY & BAILLE, P.C.

2 By: 

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