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V. SATURNINO
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Counsel for Judicial Watch, Inc.

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

JUDICIAL WATCH, INC.

Plaintiff,

vs.

OFFICE OF THE ARIZONA GOVERNOR,

Defendant.

CV2025-039217

Case No.:

Complaint for Special Action

COMPLAINT FOR STATUTORY SPECIAL ACTION

Plaintiff Judicial Watch, Inc. brings this special action against Defendant Office of the Arizona Governor to compel compliance with the Arizona Public Records Law ("APRL"), A.R.S. §§ 39-121, *et seq.* Plaintiff alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal, state, and local governments pursuant to open records laws. Plaintiff analyzes the responses and disseminates its findings and the requested records to the American public to inform them about "what their government is up to."

2. Defendant Office of the Arizona Governor is the office of Governor Katie Hobbs and a public body as defined in A.R.S. § 39.121.01. The office has possession, custody, and control of records to which Plaintiff seeks access.

3. This Court has jurisdiction over this action pursuant to A.R.S. § 39-121.02 and Rule 3 of the Arizona Rules of Procedure for Special Actions ("RPSA").

4. Venue is proper pursuant to A.R.S. § 12-401 and Rule 4 in this Court under RPSA 6(a)(2).

GENERAL ALLEGATIONS

5. According to a November 19, 2024 Fox News report, in response to a question about whether Arizona's state police and National Guard would aid the incoming Trump Administration with federal deportations efforts, Governor Hobbs said, "We will not be participating in misguided efforts that harm our communities, and I've been incredibly clear about that." See Adam Shaw, Border state governor vows to defy Trump's 'misguided' mass deportation push, FOX NEWS CHANNEL (Nov. 19, 2024, available at <https://www.foxnews.com/politics/border-state-governor-vows-defy-trumps-misguided-mass-deportation-push?msocid=06f680ca-4473653-a332996bc-450d6486>).

6. Following the Fox News report, Plaintiff sent an APRIL request to Defendant on December 17, 2024, by email, seeking access to the following:

1. Any documents from the Arizona Governor's Office, to include but not limited to orders, directives, policies, procedures, mandates, and/or suggestions, to the Arizona Department of Public Safety, and/or any task force involving Arizona law enforcement personnel that are:
 - a. Reflective and/or consistent with your official "non-participation" position as reported by national media outlets; and/or
 - b. In violation of A.R.S. §11-1051.
2. Any Arizona Governor's Office documents indicating that litigative action has been instigated to challenge any of your or your office's official policies regarding the enforcement of federal immigration laws as addressed in A.R.S. §11-1051.
3. Any Arizona Governor's Office documents indicating judicial findings ordering/mandating the Arizona Governor's Office and/or agency of this state or a county, city, town or other political subdivision of this state render financial civil penalties for violating A.R.S. § 11-1051.

7. Plaintiff's request stated that the records were not sought for a commercial purpose and specifically noted that A.R.S. § 39.121.02(D)(1) required Defendant to furnish the records promptly.

8. Plaintiff's request also asked for an index identifying any withheld records or portions of records and the reason(s) for the withholding, pursuant to A.R.S. § 39-121.02(D)(2).

9. The time frame of the request was identified as "January 1, 2024 to the completion of this request."

10. A true and correct copy of Plaintiff's request is attached as Exhibit A.

11. On December 18, 2024, Plaintiff received an email from Defendant confirming receipt of the request.

12. A true and correct copy of Defendant's confirming email is attached as Exhibit B.

13. It is believed Defendant has failed to furnish all requested records or index or respond fully to Plaintiff's request. Defendant has failed to provide its search process.

14. Because Defendant has failed to fully furnish the requested records promptly or furnish an index of any withheld records or portions of records, Plaintiff's request is deemed denied pursuant to A.R.S. § 39.121.01(E).

COUNT ONE

(Violation of A.R.S. § 39-121.01(D)(1) – Failure to adequately search for and promptly furnish public records)

15. Plaintiff realleges and incorporates by reference paragraphs 1 through 14 as if fully stated herein.

16. APRL grants every person the right to examine or be furnished with copies of public records. A.R.S. §§ 39-121 & 39-121.01(D). Arizona law defines public records broadly (*W. Valley View, Inc. v. Maricopa Cnty. Sheriff's Office*, 216 Ariz. 225, 228 (App. 2007)) and creates a strong presumption of disclosure. *Judicial Watch, Inc. v. City of Phoenix*, 228 Ariz. 393, 395 (App. 2011). When public records are requested from an officer or public body, the officer or public body has the burden of establishing that it adequately searched for the requested records. *Phoenix New Times*,

1 *L.L.C. v. Arpaio*, 217 Ariz. 533, 539 (App. 2008). The officer or public body must make a good
2 faith effort to conduct a search for the records. *Id.* At all times the burden is on the officer or
3 public body to establish the adequacy of its search. *Id.* The records must be produced promptly,
4 which has been defined as “quick to act” or “producing the requested record without delay” but
5 ultimately depending on the facts and circumstances of the request. *Id.* at 538.

6 17. An officer or public body wishing to withhold or redact requested records bears the
7 burden of proving that the records are statutorily exempt from production or that “countervailing
8 interests of confidentiality, privacy, or the best interests of the state” outweigh the public interest in
9 inspection. *Abraham v. Ariz. Bd. of Regents*, 563 P.3d 632, 636 & 641 (Ariz. App. 2025). The
10 officer or public body must articulate “a sufficient, specific harm arising from disclosure” that is
11 “grounded in confidentiality, privacy, or the best interest of the state” and demonstrate “the
12 probability that [the] specific, material harm will result from disclosure.” *Id.* at 641 (cleaned up).

13 18. Plaintiff has a right to inspect and be furnished copies of the records it requested on
14 December 17, 2024 (Exhibit A) unless Defendant can satisfy its burden of justifying nondisclosure.

15 19. Defendant has violated APRL by failing for more than nine months to furnish the
16 records Plaintiff requested.

17 20. By failing to furnish the requested records promptly, Defendant has failed to perform
18 a duty required by law as to which Defendant has no discretion and/or has failed to properly
19 exercise discretion which Defendant has a duty to exercise.

20 21. Defendant also has proceeded without or in excess of jurisdiction and legal authority.

21 22. Defendant’s conduct also is arbitrary and capricious and/or an abuse of discretion.

22 23. An actual controversy exists between Plaintiff and Defendant regarding Defendant’s
23 exercise of its duty to furnish requested records under APRL, and a Special Action to resolve this
24 controversy is authorized by statute, A.R.S. § 39-121.02.

25 24. Plaintiff is being irreparably harmed by Defendant’s ongoing violations of Plaintiff’s
26 right to access the requested records. Plaintiff will continue to be irreparably harmed unless the
27 relief requested in this special action is granted.

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COUNT TWO

**(Violation of APRL S. §§ 39-121.01.D.2 – Failure to furnish an index of
withheld public records)**

25. Plaintiff realleges and incorporates by reference paragraphs 1 through 24 as if fully stated herein.

26. APRL grants a requester the right to be furnished an index of records or categories of records withheld in response to an APRL request and the reason(s) the records or categories of records are being withheld. A.R.S. § 39-121.01(D)(2).

27. Access to a public record is deemed denied if the custodian fails to provide the requested index. A.R.S. § 39-121.01(E).

28. Plaintiff requested and has a right to an index of any records or categories of records responsive to Plaintiff's December 17, 2024 request (Exhibit A) that are being withheld by Defendant. A.R.S. § 39-121.01(D)(2). This index must include "the reasons the records or categories of records have been withheld." *Id.*

29. Defendant is violating APRL by failing to provide Plaintiff with the requested index.

30. By failing to provide the requested index, Defendant has failed to perform a duty required by law as to which Defendant has no discretion and/or has failed to properly exercise discretion which Defendant has a duty to exercise.

31. Defendant also has proceeded without or in excess of jurisdiction and legal authority.

32. Defendant's conduct also is arbitrary and capricious and/or an abuse of discretion.

33. An action controversy exists between Plaintiff and Defendant regarding Defendant's exercise of its duty to furnish an index under APRL, and a Special Action to resolve this controversy is authorized by statute, A.R.S. § 39-121.02.

34. Plaintiff is being irreparably harmed by Defendant's ongoing violations of Plaintiff's right to an index under APRL. Plaintiff will continue to be irreparably harmed unless the relief requested in this special action is granted.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff respectfully requests that the Court enter judgment as follows:

3 A. Ordering Defendant to immediately comply with A.R.S. §§ 39-121, *et seq.*, by
4 conducting an adequate search for records responsive to Plaintiff's December 17, 2024 request and
5 furnishing Plaintiff with copies of all responsive records or provide an index that (i) lists any
6 responsive records or categories of responsive records to Plaintiff's December 17, 2024 request that
7 are being withheld from disclosure, and (ii) provide the reason(s) the records or categories of
8 records are being withheld;

9 B. Permanently enjoining Defendant from continuing to fail to search adequately for all
10 such records and from continuing to withhold any such records and from continuing to fail to
11 provide an index that (i) lists any responsive records or categories of responsive records to
12 Plaintiff's December 17, 2024 request that are being withheld from disclosure, and (ii) provide the
13 reason(s) the records or categories of records are being withheld;

14 C. Awarding attorney's fees and other legal costs reasonably incurred by Plaintiff in
15 this action pursuant to A.R.S. § 39-121.02(B) and RPSA 7(i); and

16 D. Granting Plaintiff such other and further relief as the Court deems just and proper.

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18 Dated: October 16, 2025



Andrew D. Parker
Attorney for Plaintiff Judicial Watch, Inc.

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That I am the Senior Attorney for Plaintiff in the above-entitled cause; that I make this Verification upon my own and personal knowledge; that I have read the foregoing Complaint, and know the contents thereof; that the same is true of my own knowledge; except for those matters stated on information and belief; as to those matters, I do believe them to be true.

/s/ Michael Bekesha
Judicial Watch, Inc.
by Michael Bekesha
its Senior Attorney

EXHIBIT A



**Judicial
Watch**

*Because no one
is above the law*

December 17, 2024

CERTIFIED MAIL

Katie Hobbs, Arizona Governor
Office of the Governor
1700 W. Washington St.
Phoenix, AZ 85007

Re: **Records under Public Records Law**
A.R.S. § 39-101 through 39-221

Gov. Hobbs;

On November 14, 2024, it was reported on *Fox News* that the following dialogue occurred between yourself and *ABC News*: "Hobbs was asked if state police (*emphasis mine*) and National Guard would help with deportations. [*Hobbs' response*] 'We will not be participating in misguided efforts that harm our communities, and I've been incredibly clear about that.'" Your direction to State law enforcement to not assist federal agencies in enforcing federal immigration law was identified by *Fox News* as a "vow to defy."



ILLEGAL IMMIGRANTS

Border state governor vows to defy Trump's 'misguided' mass deportation push

President-elect Trump's mass deportation push has led to a vow to defy federal agencies, Fox News reports.



Adam Shaw Fox News

<https://www.foxnews.com/politics/border-state-governor-vows-defy-trumps-misguided-mass-deportation-push>

A.R.S. §11-1051 contains the following legislative mandates and prohibitions:

- **No official** (*emphasis mine*) or agency of this state or a county, city, town or other political subdivision of this state **may limit or restrict the enforcement of federal immigration laws** (*emphasis mine*) to less than the full extent permitted by federal law.
- Except as provided in federal law, **officials** (*emphasis mine*) or agencies of this state and counties, cities, towns and other political subdivisions of this state **may not be prohibited or in any way be restricted from sending, receiving or maintaining information relating to the immigration status** (*emphasis mine*), lawful or unlawful, of any individual or exchanging that information with any other federal, state or local

governmental entity

- A person who is a legal resident of this state **may bring an action** (*emphasis mine*) in superior court **to challenge any official** (*emphasis mine*) or agency of this state or a county, city, town or other political subdivision of this state **that adopts or implements a policy that limits or restricts the enforcement of federal immigration laws** (*emphasis mine*), including 8 United States Code sections 1373 and 1644, to less than the full extent permitted by federal law.

Pursuant to the provisions of the Arizona Public Records Law (*APRL*), A.R.S. §39-101 through §39-221, and unless otherwise noted, within the date range of January 1, 2024, to the completion of this request, please provide copies of:

1. Any documents from the Arizona Governor's Office ("AZGO"), to include but not limited to orders, directives, policies, procedures, mandates, and/or suggestions, to the Arizona Department of Public Safety ("AZDPS"), and/or any task force involving Arizona law enforcement personnel that are:
 - a. Reflective and/or consistent with your official "non-participation" position as reported by national media outlets and/or
 - b. In violation of the aforementioned State statute - A.R.S. §11-1051
2. Any AZGO documents indicating that litigative action has been instigated to challenge any of your or your office's official policies regarding the enforcement of federal immigration laws as addressed in the aforementioned statute - A.R.S. §11-1051
3. Any AZGO documents indicating judicial findings ordering/mandating the AZGO and/or agency of this state or a county, city, town or other political subdivision of this state render financial civil penalties for violating the aforementioned statute - A.R.S. §11-1051

These records are considered public under A.R.S. §39-101 through §39-221. To the extent applicable, the following definitions apply to the request:

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, electronic messaging (including instant messaging and chats delivered through Microsoft Teams, Google Workspace, Zoom Team Chat, or other similar systems), meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone

or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," "REGARDING," "RELATES," "RELATING TO," "CONCERNS," "CONCERNING" or "PERTAINS TO" mean, containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

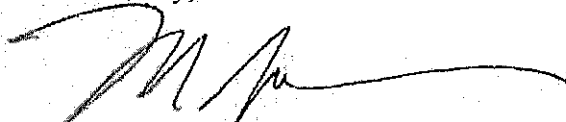
Pursuant to A.R.S. §39-121.01.D.1, records must be furnished promptly. We look forward to your prompt response. Any response or records that can be delivered via e-mail attachments are certainly acceptable. Additionally, all responsive records in an electronic format ("PDF" is preferred) is appreciated. We also are willing to accept a "rolling production" of responsive records if it will facilitate a more timely production.

If any responsive record or portion thereof is claimed to be exempt from production, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption (A.R.S. §39-121.01.D.2.) Additionally, any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law.

Finally, the information sought is for non-commercial purposes. Please be advised that if the records are not provided to our office or if we do not hear from your office we will assume that your office is refusing to comply with our Public Records Request. If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 602.510.7875 or mspencer@judicialwatch.org. The local Arizona address is:

Judicial Watch Inc.
PO Box 30042
Phoenix, AZ 85046

Sincerely,



MARK SPENCER
Southwest Projects Coordinator
Judicial Watch, Inc.

EXHIBIT B

Mark Spencer

From: AZGOV Records <records@az.gov>
Sent: Wednesday, December 18, 2024 6:57 AM
To: Mark Spencer
Subject: Re: [EXTERNAL] PRR from Mark Spencer (Judicial Watch, Inc.)

Good Morning,

Governor Hobbs's office is in receipt of your public records request, dated December 17th, 2024.

If you have any questions, do not hesitate to contact me.



Public Records
Phone: 602-542-3438
azgovernor.gov

On Tue, Dec 17, 2024 at 2:52 PM Office of the Arizona Governor <noreply@azgovernor.gov> wrote:

==Requester Information==

Requester First Name: Mark
Requester Last Name: Spencer
Requester Email Address: m Spencer@judicialwatch.org
Requester Phone Number: 6025107875
Requester Title: Southwest Projects Coordinator
Requester Company: Judicial Watch, Inc.
Requester Address: PO Box 30042
Phoenix, AZ 85046

==Certification of Use==

Use: Non-commercial

==Dates of Records==

From: January 1, 2024
To: December 31, 2024

Request Summary: Pursuant to the provisions of the Arizona Public Records Law (APRL), A.R.S. §39-101 through §39-221, and unless otherwise noted, within the date range of January 1, 2024, to the completion of this request, please provide copies of:

1. Any documents from the Arizona Governor's Office ("AZGO"), to include but not limited to orders, directives, policies, procedures, mandates, and/or suggestions, to the Arizona Department of Public Safety ("AZDPS"), and/or any task force involving Arizona law enforcement personnel that are:
 - a. Reflective and/or consistent with your official "non-participation" position as reported by national media outlets and/or
 - b. In violation of the aforementioned State statute - A.R.S. §11-1051
2. Any AZGO documents indicating that litigative action has been instigated to challenge any of your or your office's official policies regarding the enforcement of federal immigration laws as addressed in

the aforementioned statute - A.R.S. §11-1051

3. Any AZGO documents indicating judicial findings ordering/mandating the AZGO and/or agency of this state or a county, city, town or other political subdivision of this state render financial civil penalties for violating the aforementioned statute - A.R.S. §11-1051

Name(s) on Record: NA

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