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Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF [NAME OF COUNTY]**

[Name] ,	)	Case No.:
	)	
Plaintiff,	)	COMPLAINT for special action
	)	
v.	)	
	)	
[Arizona Public Body] ,	)	
	)	
Defendant.	)	
	)	

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This is a lawsuit seeking to enforce the right to inspect public records pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 to -128. Plaintiff [Student Name], an Arizona student journalist, requested public records from Defendant, [public body's full name], relating to [description of issue or event]. Through [his/her] reporting, [Student Name] seeks to inform the public about [description of the issue or event]. Regrettably, Defendant has denied [or ignored] [Mr./Ms.] [Student Last Name]'s request[s] to inspect [or for copies] of the requested records, in violation of A.R.S. §§ 39-121 and 39-121.01. This Court's intervention is consequently required.

**PARTIES**

1. Plaintiff [Student Name] is a journalist, and was [title] of the student newspaper at [college or university], [newspaper name], during most of the events at issue in this lawsuit. [IF

PLAINTIFF IS AN ARIZONA RESIDENT: [Mr./Ms.] [Student Last Name] is a resident of [Name] County, Arizona.]

2. Defendant [Arizona public body] is the [description of public body's nature -- *e.g.*, agency, bureau, council, commission, etc. of the State of Arizona or one of its counties and role, including why it maintains the relevant records]. The [Arizona public body] is a "public body" as defined in A.R.S. § 121.01(A)(2). Defendant [Arizona public body] maintains its primary place of business at [address], is a legal resident of [Name] County, Arizona, took the actions at issue in this matter in the [Name] County, and is amenable to service of process in [Name] County.

### **JURISDICTION AND VENUE**

3. Plaintiff [Student Name] brings this action and invokes the jurisdiction of this Court pursuant to A.R.S. § 39-121.02 and Rules 1 and 4 of the Arizona Rules of Procedures for Special Actions.
4. Venue is proper in this Court pursuant to A.R.S. § 12-401 and Rule 4(b), Arizona Rules of Procedure for Special Actions.

### **FACTUAL ALLEGATIONS**

5. Defendant is [describe nature of Defendant – *e.g.*, an agency, bureau, council, commission, etc. of the State of Arizona or one of its counties], and, as such, is governed by the public disclosure requirements of the Arizona Public Records Law, A.R.S. §§ 39-121 to 128.
6. [Defendant's employee] is the [title] at [Defendant's name]. In that capacity, [he/she] is vested with authority to receive and respond on behalf of Defendant to requests for public records made pursuant to the Arizona Public Records Act.

7. [IF APPLICABLE: Describe any oral request made for inspection or copies of the records. The description should include (a) the date of the oral request, (b) the location where the oral request was made, (c) the person to whom the request was made, (d) what documents were requested, and (e) the response.]
8. On [date], Plaintiff [Student Name] submitted a written request to [Defendant's Employee], in which Plaintiff asked to inspect [or for copies of] the following public records: [describe what was being sought]. Plaintiff's request also asked for an index of any records that were being withheld from him/her and the reasons such records were being withheld. A true and correct copy of Plaintiff's written request is attached to this Complaint as Exhibit 1.
9. [IF APPLICABLE: Defendant has not responded to Plaintiff's written request for public records, to Plaintiff's request for an index of records being withheld from Plaintiff, or to Plaintiff's request for the Defendant's reasons for withholding documents.]
10. [IF APPLICABLE: Defendant responded to Plaintiff's written request for public records by [electronic mail/letter] dated [date]. In its response, Defendant refused to make the following public records available to Plaintiff: [describe what records were withheld]. A true and correct copy of Defendant's response is attached to this Complaint as Exhibit 2.]
11. [IF APPLICABLE: Describe any additional communication with the public body in chronological order, and the substance of the correspondence.]
12. Defendant's production remains incomplete and does not include all public records that Plaintiff requested. In particular, Plaintiff knows, or believes based on the best available information, that Defendant possesses documents [describe any withheld documents known to exist] that it has yet to produce.

Count One  
Violation of the Arizona Public Records Law

13. The allegations set forth in the foregoing paragraphs are incorporated herein by reference.
14. Arizona's Public Records Law requires public officers and public bodies to maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and activities supported by public money. A.R.S. § 39-121.01(B).
15. Arizona's Public Records Law grants every person the right to examine or be furnished with copies of public records. A.R.S. §§ 39-121 and 39-121.01(D).
16. Access to a public record is deemed denied if the custodian fails to promptly respond to a request for production of a public record, or fails to provide to the requesting person an index of records withheld from production. A.R.S. § 39-121.01(E).
17. Plaintiff has a right to inspect and obtain copies of the public records identified in Exhibit 1 to this Complaint, a right to an index of any documents withheld from him/her, and a right to a statement of Defendant's reasons for withholding documents from him/her.
18. Defendant has violated Arizona's Public Records law by failing to produce public records that Plaintiff requested, [IF APPLICABLE: by failing to produce an index of public records withheld from Plaintiff, and by failing to provide its reasons for withholding public records from Plaintiff.]
19. By failing to produce the public records Plaintiff requested [IF APPLICABLE: by failing to produce a list of public records withheld from Plaintiff, and by failing to provide a statement of its reasons for withholding documents from Plaintiff], Defendant has failed to perform a duty required by law as to which it has no discretion and/or has failed to properly exercise discretion which he has a duty to exercise.

20. By failing to produce the public records Plaintiff requested [IF APPLICABLE: by failing to produce a list of public records withheld from Plaintiff, and by failing to provide a statement of its reasons for withholding documents from Plaintiff], Defendant has proceeded without or in excess of jurisdiction and legal authority. By failing to produce the public records Plaintiff requested [IF APPLICABLE: by failing to produce a list of public records withheld from Plaintiff, and by failing to provide a statement of its reasons for withholding documents from Plaintiff], Defendant's conduct is arbitrary and capricious and/or an abuse of discretion.
21. Plaintiff has no equally plain, speedy, or adequate legal remedy from the actions taken by Defendant. Plaintiff will suffer irreparable harm and damage from ongoing violations of [his/her] right to access public records unless the relief requested is granted by means of this Special Action.
22. [IF APPLICABLE: As a direct result of Defendant's actions, Plaintiff has suffered damages consisting of [describe any monetary damages suffered]].

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that this Court award the following relief:

1. Issue an order directing Defendant [Arizona State Agency] to immediately comply with A.R.S. §§ 39-121 to 39-128 and provide Plaintiff with copies of the public records that he/she requested on [Date(s)];
2. Issue a permanent injunction enjoining the [Arizona State Agency] from withholding the requested records;
3. [IF APPLICABLE: Award Plaintiff damages in the amount of \$\_\_\_\_\_.]

4. Award Plaintiff his/her litigation costs in this action and reasonable attorneys' fees pursuant to A.R.S. § 39-121.02(B) and Rule 4(g) of the Arizona Rules of Procedure for Special Actions; and
5. Grant Plaintiff such additional relief as the Court may deem just and proper.

DATED this the \_\_\_\_ day of [month], [year].

Respectfully submitted,

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[Plaintiff's Lawyer], Esq.

(Arizona Bar No. [#])Lawyer's Firm  
Street Address  
City, State Zip  
Telephone  
Email

Exhibit 1  
[[Student Last Name]'s request letter]

Exhibit 2

[[Agency Employee]'s response to [Student Last Name]'s request]