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Attorneys for Defendants

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

WILLIAM R. CHEATHAM; and
MARCUS HUEY,

Plaintiff,

v.

PHIL GORDON, in his official capacity
as Mayor of the City of Phoenix;
THELDA WILLIAMS, in her official
capacity as member of the City of
Phoenix Council and Vice Mayor; JIM
WARING, in his official capacity as
member of the City of Phoenix Council;
BILL GATES, in his official capacity as
member of the City of Phoenix Council;
TOM SIMPLOT, in his official capacity
as member of the City of Phoenix
Council; in his official capacity as
member of the City of Phoenix Council;
CLAUDE MATTOX, in his official
capacity as member of the City of
Phoenix Council; SAL DICICCIO, in his
official capacity as member of the City of
Phoenix Council; MICHAEL
NOWAKOWSKI, in his official capacity
as member of the City of Phoenix
Council; MICHAEL JOHNSON, in his
official capacity as member of the City of
Phoenix Council; DAVID CAVAZOS, in
his official capacity as City Manager of
the City of Phoenix; CITY OF
PHOENIX; and PHOENIX LAW
ENFORCEMENT ASSOCIATION,

Defendants.

Case No. CV2011-021634

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' APPLICATION FOR
PRELIMINARY INJUNCTION**

(Assigned to Honorable The Honorable
Katherine Cooper)

1 Defendants Phil GORDON, in his official capacity as Mayor of the City of
2 Phoenix; THELDA WILLIAMS, in her official capacity as member of the City of
3 Phoenix Council and Vice Mayor; JIM WARING, in his official capacity as member of
4 the City of Phoenix Council; BILL GATES, in his official capacity as member of the
5 City of Phoenix Council; TOM SIMPLOT, in his official capacity as member of the
6 City of Phoenix Council; in his official capacity as member of the City of Phoenix
7 Council; CLAUDE MATTOX, in his official capacity as member of the City of Phoenix
8 Council; SAL DICICCIO, in his official capacity as member of the City of Phoenix
9 Council; MICHAEL NOWAKOWSKI, in his official capacity as member of the City of
10 Phoenix Council; MICHAEL JOHNSON, in his official capacity as member of the City
11 of Phoenix Council; DAVID CAVAZOS, in his official capacity as City Manager of the
12 City of Phoenix; and the CITY OF PHOENIX, collectively (the "City"), submit the
13 following response to Plaintiffs' Application for Preliminary Injunction ("Plaintiffs'
14 Application").

15 For the purposes of the instant motion only, the City does not dispute any
16 specific facts in Plaintiffs' Application. However, the City does dispute the
17 implications of the facts as they relate to the ultimate outcome of this case, including
18 the implication that the City unlawfully diverted public funding for private purposes to
19 PLEA through the release time provisions negotiated between PLEA and the City,
20 which is the ultimate issue in this matter. Likewise, for the purposes of the instant
21 motion only, the City takes no position on the propriety or impropriety of the
22 preliminary injunctive relief sought in Plaintiffs' Application.

23 RESPECTFULLY SUBMITTED: DATED: April 20, 2012

24 SHERMAN & HOWARD L.L.C.

25 By: /s/ Rose C. McCaffrey

26 John Alan Doran

27 Thomas J. Kennedy

28 Rose C. McCaffrey

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Phoenix, Arizona 85004-2327

Attorneys for Defendants

CERTIFICATE OF SERVICE

COPY of the foregoing mailed / emailed
this 20th day of April, 2012, to:

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/s/ Tisha A. Davis

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