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Attorneys for Defendants

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

DARCIE SCHIRES; ANDREW AKERS; and GARY WHITMAN, Plaintiffs, v. CATHY CARLAT, in her official capacity as Mayor of the City of Peoria; VICKI HUNT, in her official capacity as City of Peoria Councilmember for the Acacia District; CARLO LEONE, in his official capacity as City of Peoria Councilmember for the Pine District; MICHAEL FINN, in his official capacity as City of Peoria Councilmember for the Palo Verde District; JON EDWARDS, in his official capacity as City of Peoria Councilmember for the Willow District; BRIDGET BINSBACHER, in her official capacity as City of Peoria Councilmember for the Mesquite District; BILL PATENA, in his official capacity as City of Peoria Councilmember for the Ironwood District; and CITY OF PEORIA, a municipal corporation of the State of Arizona, Defendants.	Case No. CV2016-013699 **DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT FOR DECLARATORY INJUNCTIVE RELIEF** (Assigned to the Honorable Joshua Rogers)

Cathy Carlat, Vicki Hunt, Carlo Leone, Michael Finn, Jon Edwards, Bridget Binsbacher, Bill Patena, and the City of Peoria (collectively, the "Defendants") answer the Plaintiffs' Complaint for Declaratory Injunctive Relief ("Complaint") as follows. Any allegations not specifically admitted below are denied:

1. Answering Paragraph 1, Defendants deny the allegations.

2. Answering Paragraph 2, Defendants deny the allegations.

3. Answering Paragraph 3, Defendants deny the allegations.

4. Answering Paragraph 4, Defendants deny the allegations.

5. Answering Paragraph 5, Defendants are without adequate information to determine the truth of the allegations and therefore deny same.

6. Answering Paragraph 6, Defendants are without adequate information to determine the truth of the allegations and therefore deny same.

7. Answering Paragraph 7, Defendants are without adequate information to determine the truth of the allegations and therefore deny same.

8. Answering Paragraph 8, Defendants deny the allegations.

9. Answering Paragraph 9, Defendants admit that Defendant Cathy Carlat is mayor of the City of Peoria, that she is named as a defendant only in her official capacity, and that she is a member of the Council that approved the contracts that are the subject of this Complaint, but deny the remaining allegations.

10. Answering Paragraph 10, Defendants admit that Paragraph 10 lists the council members named in as Defendants in their official capacities only, that the Peoria City Council is the City's governing body, and that the Peoria City Council approved the contracts that are the subject of this Complaint. Defendants deny the remaining allegations.

11. Answering Paragraph 11, Defendants admit the allegations.

12. Answering Paragraph 12, Defendants admit the allegations.

13. Answering Paragraph 13, Defendants admit the allegations.

14. Answering Paragraph 14, Defendants are without adequate information to determine the truth of the allegations and therefore deny same.

15. Answering Paragraph 15, Defendants deny the allegations.

16. Answering Paragraph 16, Defendants admit the allegations.

17. Answering Paragraph 17, Defendants deny the allegations.

18. Answering Paragraph 18, Defendants admit that the City Council authorized the City Manager to execute an amendment on December 1, 2015 and deny the remainder of allegations.

19. Answering Paragraph 19, Defendants admit the allegations.

20. Answering Paragraph 20, Defendants aver that the document speaks for itself and therefore no answer is required.

21. Answering Paragraph 21, Defendants aver that the document speaks for itself and therefore no answer is required.

22. Answering Paragraph 22, Defendants aver that the document speaks for itself and therefore no answer is required.

23. Answering Paragraph 23, Defendants aver that the document speaks for itself and therefore no answer is required.

24. Answering Paragraph 24, Defendants aver that the document speaks for itself and therefore no answer is required.

25. Answering Paragraph 25, Defendants aver that the document speaks for itself and therefore no answer is required.

26. Answering Paragraph 26, Defendants aver that the document speaks for itself and therefore no answer is required.

27. Answering Paragraph 27, Defendants deny the allegations.

28. Plaintiffs' Complaint does not contain a paragraph numbered 28.

29. Plaintiffs' Complaint does not contain a paragraph numbered 29.

30. Answering Paragraph 30, Defendants admit the allegations.

31. Answering Paragraph 31, Defendants admit the allegations.

32. Answering Paragraph 32, Defendants admit the allegations.

33. Answering Paragraph 33, Defendants admit the allegations.

34. Answering Paragraph 34, Defendants aver that the document speaks for itself and therefore no answer is required.

35. Answering Paragraph 35, Defendants aver that the document speaks for itself and therefore no answer is required.

36. Answering Paragraph 36, Defendants aver that the document speaks for itself and therefore no answer is required.

37. Answering Paragraph 37, Defendants aver that the document speaks for itself and therefore no answer is required.

38. Defendants restate all admissions and denials set forth in the preceding paragraphs.

39. Answering Paragraph 39, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

40. Answering Paragraph 40, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

41. Answering Paragraph 41, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

42. Answering Paragraph 42, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

43. Answering Paragraph 43, Defendants deny the allegations.

44. Answering Paragraph 44, Defendants deny the allegations.

45. Answering Paragraph 45, Defendants deny the allegations.

46. Answering Paragraph 46, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

47. Answering Paragraph 47, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

48. Answering Paragraph 48, Defendants deny the allegations.

49. Answering Paragraph 49, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

50. Defendants restate all admissions and denials set forth in the preceding paragraphs.

51. Answering Paragraph 51, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

52. Answering Paragraph 52, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

53. Answering Paragraph 53, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

54. Answering Paragraph 54, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

55. Answering Paragraph 55, Defendants deny the allegations.

56. Answering Paragraph 56, Defendants deny the allegations.

57. Answering Paragraph 57, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

58. Answering Paragraph 58, Defendants aver the paragraph contains a conclusion of law and therefore no answer is necessary.

WHEREFORE, Defendants respectfully request that judgment enter as follows:

1. Denying all relief sought by Plaintiffs;

2. For costs incurred;

3. For reasonable attorney fees under A.R.S. §12-341.01; and

4. For such and other relief as the Court deems just.

DATED this 21st day of November, 2016.

OSBORN MALEDON, P.A.

By /s/ Shane M. Ham

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This document was electronically filed and copy served via eFiling system*/ first-class mail this 21st day of November, 2016, on:

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