

**Scharf-Norton Center for Constitutional Litigation at the
GOLDWATER INSTITUTE**

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

GOLDWATER INSTITUTE,

Plaintiff/Petitioner,

vs.

CITY OF GLENDALE, a municipal
corporation, and PAM HANNA, in her
official capacity as City Clerk for the City
of Glendale,

Defendants/Respondents.

) Case No. CV2009-020757

) **REPLY TO CITY'S RESPONSE TO
APPLICATION FOR AN ORDER TO
SHOW CAUSE**

) Hearing scheduled Feb. 12, 2010, 1:30pm

) *Hon. Edward O. Burke*

Petitioner Goldwater Institute applied for an Order to Show Cause why Respondent City of Glendale should not be held in contempt of Court for violating this Court's orders by failing to submit, on a continuing basis, documents to the Court for *in camera* review and by failing to produce, on a continuing basis, public records to the Institute. As stated in our Application (p. 1), the City's most recent submission of new documents was September 16, 2009.¹ The City's most recent production to the Goldwater Institute occurred the month previous to that. These delays, going on five months now, violate the Court's multiple orders to produce documents on

¹ As also stated in our Application (n. 1), the City's single-page December 2009 submission had been submitted previously (with redactions).

a “continuing basis.” Although the City “responded” to our Application with a six-page stream of invectives, it failed to address at all the only issue before this Court: whether it is in compliance with this Court’s orders. The City does not deny that it has failed to produce any new documents since August and September 2009, nor does the City assert that that are no new documents to produce. To the contrary, when prompted by the Goldwater Institute, a City email indicates that the City had new documents going back at least as far as November 16, 2009. *See* Exhibit 1 to Application for Order to Show Cause (City, upon our inquiry, answering, “We are preparing another motion for in camera inspection and will file it soon”). Accordingly, the Court should hold the City in contempt.

RESPECTFULLY SUBMITTED this 3rd day of February, 2010 by:

/s Carrie Ann Sitren
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ORIGINAL of the foregoing E-FILED this 3rd day of February, 2010 with:

Clerk of Court
Maricopa County Superior Court
201 West Jefferson Street
Phoenix, AZ 85003

COPY of the foregoing MAILED this 3rd day of February, 2010 to:

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/s Carrie Ann Sitren