

**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

**NOTICE OF SUPPLEMENTAL
EVIDENCE IN SUPPORT OF
PETITIONER'S APPLICATION FOR
ORDER TO SHOW CAUSE**

Hon. Edward O. Burke

On February 12, 2010, this Court heard Petitioner Goldwater Institute's Application for Order to Show Cause why Respondent City should not be held in contempt of Court for violating this Court's orders to submit records on a continuing basis. The City has never denied that it failed to submit new records in more than five months. The City asserted (for the first time at the Feb. 12, 2010 hearing) that it had no new records to submit (Decl., ¶¶ 7-17). This is despite multiple previous contradicting statements from the City to the Institute, statements which were not all presented to the Court at the hearing because they were not believed to be disputed at the time (*id.*). In denying the Institute's Application for Order to Show Cause, the

Court (Minute Entry Order dated Feb. 12, 2010) did not find sufficient evidence that the City withheld information. The Institute has noticed a Rule 30(b)(6) deposition of the City to obtain more evidence (Decl. ¶ 18). We submit the attached supplemental evidence here, which we only recently uncovered because we did not expect it to be disputed at the time of the hearing (Decl. ¶¶ 9 & 14). This supplemental evidence further substantiates our claim and demonstrates our good faith in seeking an Order to Show Cause, and we request that the Court consider it in connection with our Application and related pleadings, including future pleadings.

RESPECTFULLY SUBMITTED this 18th day of February, 2010 by:

/s Carrie Ann Sitren

Clint Bolick (021684)

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ORIGINAL of the foregoing E-FILED this 18th day of February, 2010 with:

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

COPY of the foregoing HAND-DELIVERED this 18th day of February, 2010 to:

Hon. Edward O. Burke
Maricopa County Superior Court
125 West Washington Street
Phoenix, AZ 85003

COPY of the foregoing MAILED this 18th day of February, 2010 to:

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/s Carrie Ann Sitren