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14 *Attorneys for Petitioner*

15 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
16 **IN AND FOR THE COUNTY OF MARICOPA**

17 BARRY GOLDWATER INSTITUTE FOR
18 PUBLIC POLICY RESEARCH,

19 Petitioner,

20 v.

21 STATE OF ARIZONA ex rel. ARIZONA
22 ATTORNEY GENERAL'S OFFICE, a body
23 politic; KRIS MAYES, in her official
24 capacity as Arizona Attorney General,

25 Respondents.

No. CV2025-061461

**PETITIONER'S SEPARATE
STATEMENT OF FACTS IN
SUPPORT OF ITS HEARING
BRIEF**

Assigned to the Hon. Quintin Cushner

26 Pursuant to this Court's Minute Entry dated March 3, 2026, Petitioner Goldwater
27 Institute ("Institute") submits this Separate State of Facts in Support of their Hearing Brief.

28 1. On February 28, 2024, Arizona Attorney General Mays announced a lawsuit
against RealPage, Inc. and nine major residential landlords for allegedly conspiring or
colluding to raise rent in the Phoenix and Tucson metro areas. Verified Complaint for

1 Statutory Special Action And Injunctive Relief (“Compl.”) ¶ 15; Respondents Answer
2 (“Answer”) ¶ 16.

3 2. The alleged conspiracy between RealPage and certain landlords purportedly
4 harmed Arizonans and “directly” contributed to Arizona’s affordable housing crisis.”
5 Compl. ¶ 16; Answer ¶ 16.

6 3. The RealPage lawsuit contends that in large part the alleged conspiracy
7 caused rental rates in Phoenix and Tucson to rise by at least 30% over a period of two years.
8 Compl. ¶ 17; Answer ¶ 17.

9 4. The law firm Hagens Berman is outside counsel for the State of Arizona in
10 its RealPage lawsuit and is also counsel for a nationwide class action that filed a similar
11 lawsuit in Washington District Court against another alleged price-fixing rental software
12 company. Compl. ¶ 18; Answer ¶ 18. *See also In re Realpage, Inc.*, 3:23-MD-03071, slip
13 op. (M.D. Tenn. Dec. 28, 2023); *Yardi Rent Price-Fixing Antitrust—Nationwide*, Hagens
14 Berman, <https://www.hbsslaw.com/cases/yardi-rent-price-fixing-antitrust-nationwide> (last
15 visited Nov. 12, 2025); *RealPage Rent Price-Fixing—State of Arizona*, Hagens Berman,
16 <https://www.hbsslaw.com/cases/realpage-rent-price-fixing-state-of-arizona> (last visited
17 Nov. 12, 2025).

18 5. Following the RealPage lawsuit announcement, on April 17, 2024, the
19 Institute sent a public records request to the AG’s Office that included six items, two of
20 which sought records related to the number of complaints received against RealPage that
21 were in the custody and control of the AG’s Office. Compl. ¶ 19; Answer ¶ 19.

22 6. The Request sought the following:

23 (1) **Copies of records indicating the total number of complaints**
24 **submitted to the Arizona Attorney General’s Office prior to**
25 **February 28, 2024 by consumers or members of the public**
26 **pertaining to an alleged conspiracy or collusion between landlords**
and/or “RealPage” or its subsidiaries and affiliates to raise
residential rents.

27 (2) **Copies of records indicating the total number of complaints**
28 **submitted to the Arizona Attorney General’s Office after February**
28, 2024 by consumers or members of the public pertaining to an
alleged conspiracy or collusion between landlords and/or

1 **“RealPage” or its subsidiaries and affiliates to raise residential**
2 **rents.**

3 **(3) Copies of records indicating the total number of complaints**
4 **submitted to the Arizona Attorney General’s Office consumer**
5 **protection division from January 1, 2023–December 31, 2023 by**
6 **consumers or members of the public.**

7 **(4) Copies of records indicating the total number of complaints**
8 **submitted to the Arizona Attorney General’s Office consumer**
9 **protection division from January 1, 2023–December 31, 2023 by**
10 **consumers or members of the public pertaining to residential**
11 **landlords.**

12 **(5) Copies of all complaints submitted by consumers or members of the**
13 **public¹ to the Arizona Attorney General’s Office pertaining to an**
14 **alleged conspiracy or collusion between landlords and/or**
15 **“RealPage” or its subsidiaries or affiliates to raise residential rents**
16 **submitted to the Office of the Arizona Attorney General’s Office.**

17 n.1. We are not seeking information that would invade bona
18 fide privacy interests of any individual. To the extent such
19 information exists within a record that is otherwise subject to
20 disclosure, your Office may redact the privacy information and
21 disclose the record.

22 **(6) Copies of any reports, studies, or economic analyses regarding**
23 **market rates for residential rents in Arizona that have been reviewed**
24 **by officials in the Arizona Attorney General’s Office in connection**
25 **with any Complaint filed against “RealPage,” Apartment**
26 **Management Consultants, Avenue5 Residential, BH Management**
27 **Services, Camden Property Trust, Crow Residential Company,**
28 **Greystar, HSL Properties, RPM Living, or Weidner Property**
 Management.

 Compl. ¶ 20; Answer ¶ 20 (emphasis in original).

 7. On May 9, 2024, the AG’s Office confirmed receipt of the Request and
assigned the tracking number PRR-2024-047. Compl. ¶ 21; Answer 21.

 8. The Institute sent follow-up emails seeking a status on the Request but did
not receive a response until January 7, 2025. Compl. ¶ 22; Answer ¶ 22.

 9. The AG’s Office completed processing of the Request and responded as
follows:

(1) The records requested, to the extent any exist, would be confidential
 pursuant to A.R.S. §§ 44-1406 and 44-1525, and attorney work
 product privilege.

(2) The records requested, to the extent any exist, would be confidential
 pursuant to A.R.S. §§ 44-1406 and 44-1525, and attorney work
 product privilege.

1 (3) **For the request** “Copies of records indicating the total number of
2 complaints submitted to the Arizona Attorney General’s Office
3 consumer protection division from January 1, 2023–December 31, 2023
4 by consumers or members of the public,” **please find the responsive
5 record attached. Redactions have been applied to preserve
6 confidentiality pursuant to A.R.S. §§ 44-1406 and 44-1525.**

7 (4) The Attorney General’s Office does not compile statistics for the
8 requested category, and as such, there are no responsive records to
9 produce.

10 (5) Consumer complaints are confidential under Arizona statute (A.R.S. §
11 44-1525).

12 (6) The records requested, to the extent any exist, would be privileged
13 attorney work product and not subject to public disclosure.

14 Compl. ¶ 23; Answer ¶ 23 (emphasis in original).

15 10. The AG’s Office did not provide any further information explaining the basis
16 for its denial and withholding. Compl. ¶ 24; Answer ¶ 24.

17 11. On November 12, 2025, Petitioner filed its Complaint seeking judicial relief
18 to compel the production of records responding to items 1, 2, and 5 of the Request. Compl.
19 ¶ 27; Answer ¶ 27.

20 12. On January 14, 2026, Respondents filed their Answer re-asserting a claim of
21 confidentiality under A.R.S. § 44-1525 for all records, and attorney work-product privilege
22 for items 1 and 2. *See* Answer.

23 13. This Court held a virtual Order to Show Cause Return Hearing on March 3,
24 2026. *See* Minute Entry, dated March 5, 2026.

25 14. After a the hearing, Petitioner sent counsel for Respondents a revised Request
26 addressing concerns raised by Respondents. *See* Exhibit 1.

27 15. On April 8, 2026, Respondents responded that that it was “not possible to
28 query our consumer complaint data base to complete the search you have requested” and
29 reasserted that the information was confidential under A.R.S. § 44-1525. *Id.*

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1 **RESPECTFULLY SUBMITTED** this 29th day of May, 2026.

2 **MICHAEL J. BLOOM, P.C.**

GOLDWATER INSTITUTE

3
4 /s/ Michael J. Bloom

/s/ Stacy Skankey (with permission)

5 Michael J. Bloom

 Stacy Skankey

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7 Tucson, Arizona 85701

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8 Attorney for Plaintiff

 Attorneys for Plaintiff

9
10 FILED electronically with the Clerk of the Superior Court and a copy delivered via the
11 Court's e-filing system on this 29th day of May, 2026, to:

12 Honorable Quintin Cushner

13 COPY of the foregoing emailed on this 29th day of May, 2026, to:

14 Dena R. Benjamin (No. 015421)

15 Deanie Reh (No. 005170)

16 Office of the Arizona Attorney General

17 Public Law Section

18 2005 North Central Ave,

19 Phoenix, Arizona 85004-1592

20 Tel: (602) 542-7717

21 Fax: (602) 542-4385

22 Dena.Benjamin@azag.gov

23 Deanie.Reh@azag.gov

24 adminlaw@azag.gov

25 Attorneys for Defendants State of Arizona ex rel. Arizona Attorney General's Office and
26 Kris Mayes

27 By: /s/ Maria C. Chavez Romero

EXHIBIT 1

RE: CV2025-061461 Goldwater Institute v State of Arizona

From Benjamin, Dena <Dena.Benjamin@azag.gov>

Date Wed 3/4/2026 1:44 PM

To 'Stacy Skankey' <SSkankey@goldwaterinstitute.org>; Reh, Deanie <Deanie.Reh@azag.gov>

Cc Michael Bloom <mike@michaeljbloom.net>; 'Maria@michaeljbloom.net' <maria@michaeljbloom.net>

Thank you, Stacy.

Dena

From: Stacy Skankey <SSkankey@goldwaterinstitute.org>

Sent: Tuesday, March 03, 2026 12:34 PM

To: Reh, Deanie <Deanie.Reh@azag.gov>; Benjamin, Dena <Dena.Benjamin@azag.gov>

Cc: Michael Bloom <mike@michaeljbloom.net>; 'Maria@michaeljbloom.net' <maria@michaeljbloom.net>

Subject: CV2025-061461 Goldwater Institute v State of Arizona

Hi Dena & Deanie,

Plaintiff is willing to revise the initial request as indicated below. I have provided both a redlined and clean version.

Redline:

1. Copies of records indicating the total number of complaints submitted to the Arizona Attorney General's Office ~~prior to~~ **between January 1, 2022 and February 28, 2024** by consumers or members of the public pertaining to an alleged conspiracy or collusion between landlords and/or "RealPage" ~~or its subsidiaries and affiliates~~ to raise residential rents.
2. Copies of records indicating the total number of complaints submitted to the Arizona Attorney General's Office after February 28, 2024 **through and including the date of this request** by consumers or members of the public pertaining to an alleged conspiracy or collusion between landlords and/or "RealPage" ~~or its subsidiaries and affiliates~~ to raise residential rents.
5. Copies of all complaints submitted by consumers or members of the public¹ to the Arizona Attorney General's Office **between January 1, 2022 and February 28, 2024** pertaining to an alleged conspiracy or collusion between landlords and/or "RealPage" ~~or its subsidiaries or affiliates~~ to raise residential rents ~~submitted to the Office of the Arizona Attorney General's Office.~~

Clean:

1. Copies of records indicating the total number of complaints submitted to the Arizona Attorney General's Office between January 1, 2022 and February 28, 2024 by consumers or members of the public pertaining to an alleged conspiracy or collusion between landlords and/or "RealPage" to raise residential rents.
2. Copies of records indicating the total number of complaints submitted to the Arizona Attorney General's Office after February 28, 2024 through and including the date of this request by consumers or members of the public pertaining to an alleged conspiracy or collusion between landlords and/or "RealPage" to raise residential rents.
5. Copies of all complaints submitted by consumers or members of the public¹ to the Arizona Attorney General's Office between January 1, 2022 and February 28, 2024 pertaining to an alleged conspiracy or collusion between landlords and/or "RealPage" to raise residential rents.

Please let me know if you have any questions.

Thanks,

Stacy

Stacy Skankey

American Freedom Network Litigation Director

Goldwater Institute | www.GoldwaterInstitute.org | 602.462.5000



[Book time to meet with me](#)

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