

Michael J. Bloom, Esq.
MICHAEL J. BLOOM, P.C.
State Bar No. 4897; P.C.C. No. 4576
100 North Stone Avenue, Suite 701
Tucson, Arizona 85701
Telephone: (520) 882-9904
Facsimile: (520) 628-7861
Mike@michaeljbloom.net
Maria@michaeljbloom.net

Stacy Skankey (035589)
**Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE**
500 E. Coronado Rd.
Phoenix, Arizona 85004
(602) 462-5000
litigation@goldwaterinstitute.org

Attorneys for Plaintiff

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

BARRY GOLDWATER INSTITUTE FOR
PUBLIC POLICY RESEARCH,

Plaintiff,

v.

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

Defendants.

No.

**VERIFIED COMPLAINT FOR
STATUTORY SPECIAL ACTION
AND INJUNCTIVE RELIEF**

Assigned to the Hon.

INTRODUCTION

1. Public access to information about government operations is crucial for a free society and necessary for citizens to hold government officials accountable. *Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 351 ¶ 33 (App. 2001). When the government and its officers engage in the public's business and spend taxpayer money, the public is entitled to access records of those activities. A.R.S. § 39-121.01.

2. On February 28, 2024, Arizona Attorney General Mayes filed a lawsuit against RealPage, Inc.¹ and major residential landlords for allegedly conspiring to raise

¹ RealPage is real estate revenue management software.

1 rents in the Phoenix and Tucson metro areas. The lawsuit was announced via a press
2 release, which garnered national media attention.²

3 3. The Attorney General described the lawsuit as a “consumer protection”
4 effort aimed at promoting “fair competition” in Arizona’s residential rental market. The
5 lawsuit was said to protect renters from landlords who used software to guide decisions
6 on market rental rates. The Attorney General claimed that Arizona renters had been
7 harmed by a “conspiracy” between residential landlords and the company providing the
8 software. *Id.*

9 4. Seeking information that may have precipitated the lawsuits, including
10 unsolicited complaints from the public, the Goldwater Institute (“Institute”) submitted a
11 public records request to the Arizona Attorney General’s Office (“AG’s Office”) under
12 the Arizona Public Records Law (A.R.S. Title 39).

13 5. In its public records request, the Institute sought a narrow category of
14 records for “the total number of complaints” submitted by members of the public
15 regarding the alleged conspiracy. In its request, the Institute made clear that it was “not
16 seeking information that would invade the bona fide privacy interests of any individual,”
17 and expressly asserted that the AG’s Office should redact any such privacy information if
18 it was included in a responsive record.

19 6. In response to the Institute’s public records request, the AG’s Office
20 provided only one document, and has withheld records about the total number of
21 consumer complaints received against RealPage, Inc. and the residential landlords.
22 Respondents asserted statutory exemptions—that are inapplicable—as well as “attorney
23 work product” as the bases for withholding records pertaining to the total number of
24 consumer complaints.

25
26
27 ² *Attorney General Mayes Sues RealPage and Residential Landlords for Illegal Price-*
28 *Fixing Conspiracy*, Arizona Attorney General’s Office (Feb. 28, 2024),
<https://www.azag.gov/press-release/attorney-general-mayes-sues-realpage-and-residential-landlords-illegal-price-fixing>.

1 7. This action seeks to compel production of those records under Arizona’s
2 Public Records Law because they are not made confidential by statute, and no other
3 exemption to public disclosure exists.

4 **PARTIES, JURISDICTION, AND VENUE**

5 8. Petitioner Barry Goldwater Institute for Public Policy Research (“Institute”)
6 is a nonprofit research, public policy, and public interest litigation center in Phoenix,
7 Arizona.

8 9. Respondent State of Arizona is a body politic of the United States of
9 Arizona. Respondent State of Arizona is a “public body” within the meaning of A.R.S. §
10 39-121.01(A)(2).

11 10. Respondent Arizona Attorney General’s Office is a “public body” within
12 the meaning of A.R.S. § 39-121.01(A)(2).

13 11. Respondent Kris Mayes is the Attorney General for the State of Arizona and
14 is named in this action in her official capacity only. Respondent Mayes is an “officer”
15 within the meaning of A.R.S. § 39-121.01(A)(1). Respondent Mayes, by and through her
16 agents and employees, caused the events to occur within the jurisdiction of the Court.

17 12. Jurisdiction over this action and its claims is provided by A.R.S. §§ 12-123,
18 12-1831, 39-121.02 and Rule 4, Ariz. R. P. for Spec. Actions.

19 13. Venue is proper pursuant to A.R.S. § 12-401 and Rule 4(b), Ariz. R. P. for
20 Spec. Actions.

21 **DISCOVERY TIER**

22 14. Pursuant to Arizona Rules of Civil Procedure, Rule 26.2(c)(3), the Court
23 should assign this case to Tier 2, as this is an action claiming nonmonetary relief only.

24 **BACKGROUND**

25 15. On February 28, 2024, Attorney General Mayes announced a lawsuit
26 against RealPage, Inc. and nine major residential landlords for allegedly conspiring or
27 colluding to raise rent in the Phoenix and Tucson metro areas. *See* Arizona Attorney
28 General’s Office, *supra* note 2.

1 16. The alleged conspiracy between RealPage and certain landlords allegedly
2 harmed Arizonans and “directly contributed to Arizona’s affordable housing crisis.” *Id.*

3 17. The lawsuit contends that the alleged conspiracy caused rental rates in
4 Phoenix and Tucson to rise by at least 30% over a period of two years. *Id.*

5 18. The RealPage lawsuit closely resembles the class action lawsuit filed by
6 Hagens Berman³ in Washington District Court⁴, as well as similar actions initiated by
7 Attorneys General in various other states.

8 19. In response to the RealPage announcement, the Institute sent a public
9 records request seeking those documents in the custody and control of the AG’s Office
10 seeking six items related to the number of complaints received against Real Page.

11 20. The April 17, 2024 records request to the AG’s Office sought the following:

- 12 **(1) Copies of records indicating the total number of complaints**
13 **submitted to the Arizona Attorney General’s Office prior to**
14 **February 28, 2024 by consumers or members of the public**
15 **pertaining to an alleged conspiracy or collusion between landlords**
16 **and/or “RealPage” or its subsidiaries and affiliates to raise**
17 **residential rents.**
- 16 **(2) Copies of records indicating the total number of complaints**
17 **submitted to the Arizona Attorney General’s Office after February**
18 **28, 2024 by consumers or members of the public pertaining to an**
19 **alleged conspiracy or collusion between landlords and/or**
20 **“RealPage” or its subsidiaries and affiliates to raise residential**
21 **rents.**
- 22 **(3) Copies of records indicating the total number of complaints**
23 **submitted to the Arizona Attorney General’s Office consumer**
24 **protection division from January 1, 2023–December 31, 2023 by**
25 **consumers or members of the public.**
- 26 **(4) Copies of records indicating the total number of complaints**
27 **submitted to the Arizona Attorney General’s Office consumer**
28 **protection division from January 1, 2023–December 31, 2023 by**
 consumers or members of the public pertaining to residential
 landlords.

25 ³ Hagens Berman is also outside counsel for the State of Arizona in the RealPage Lawsuit.
26 *RealPage Rent Price-Fixing—State of Arizona*, Hagens Berman,
27 <https://www.hbsslaw.com/cases/realpage-rent-price-fixing-state-of-arizona> (last visited
28 Nov. 12, 2025).

27 ⁴ *Yardi Rent Price-Fixing Antitrust—Nationwide*, Hagens Berman,
28 <https://www.hbsslaw.com/cases/yardi-rent-price-fixing-antitrust-nationwide> (last visited
Nov. 12, 2025).

1 (5) Copies of all complaints submitted by consumers or members of the
2 public¹ to the Arizona Attorney General's Office pertaining to an
3 alleged conspiracy or collusion between landlords and/or
4 "RealPage" or its subsidiaries or affiliates to raise residential rents
5 submitted to the Office of the Arizona Attorney General's Office.

6 n.1. We are not seeking information that would invade bona
7 fide privacy interests of any individual. To the extent such
8 information exists within a record that is otherwise subject to
9 disclosure, your Office may redact the privacy information and
10 disclose the record.

11 (6) Copies of any reports, studies, or economic analyses regarding
12 market rates for residential rents in Arizona that have been reviewed
13 by officials in the Arizona Attorney General's Office in connection
14 with any Complaint filed against "RealPage," Apartment
15 Management Consultants, Avenue5 Residential, BH Management
16 Services, Camden Property Trust, Crow Residential Company,
17 Greystar, HSL Properties, RPM Living, or Weidner Property
18 Management.

19 Exhibit 1 ("Request") (emphasis in original).

20 21. On May 9, 2024, the AG's Office confirmed receipt of the Request and
21 assigned the tracking number PRR-2024-047. See Exhibit 2.

22 22. The Institute sent multiple follow-up emails seeking a status on the Request
23 but did not receive a response for 243 days.

24 23. On January 7, 2025, the AG's Office completed processing the Request and
25 responded as follows:

26 (1) The records requested, to the extent any exist, would be confidential
27 pursuant to A.R.S. §§ 44-1406 and 44-1525, and attorney work
28 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.

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

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

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

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

4 Exhibit 3 (“Response”) (emphasis in original).

5 24. The AG’s Office did not provide any further information explaining the
6 basis for its denial and withholding.

7 25. Request items 1 and 2 only seek numerical data only.

8 26. The AG’s Office’s basis for denying and withholding documents responsive
9 to Request items 1 and 2, was incorrectly applied and improperly rejected.

10 27. Based on the AG’s Office’s improper rejection of the Request, the Institute
11 seeks judicial relief to compel the production of records responsive to items 1, 2, and 5⁵
12 of the Request.

13 **COUNT 1 – VIOLATION OF A.R.S. § 39-121, *et seq.***

14 28. Petitioner re-alleges and incorporates the preceding paragraphs.

15 29. The purpose of Arizona’s Public Records Law (A.R.S. §§ 39-121–129) is
16 to make government activities transparent and accessible to public scrutiny.

17 30. Arizona’s Public Records Law demonstrates a policy favoring disclosure.

18 31. To overcome the legal presumption of disclosure, the party seeking to
19 prevent the disclosure of public records must prove a specific exception applies.

20 32. Absent proof of a specific exception, public records “*shall* be open to
21 inspection by any person.” A.R.S. § 39-121 (emphasis added).

22 33. Arizona law defines the term “public record” broadly and presumes
23 disclosure.

24 34. A public record is:

25 [1] made by a public officer in pursuance of a duty, the immediate purpose of which
26 is to disseminate information to the public, or to serve as a memorial of official

27 ⁵ As indicated in the Request, the Institute only seeks copies of complaints properly redacted
28 to preserve privacy interests to determine the total number of complaints submitted to the
AG’s Office. To the extent records indicating the total number of complaints already exist
and are responsive to items 1 and 2, the Institute will withdraw its request for item 5.

1 transactions for public reference; [2] required to be kept, or necessary to be kept in
2 the discharge of a duty imposed by law or directed by law to serve as a memorial
3 and evidence of something written, said or done; or [3] any written record of
4 transactions of a public officer in his office, which is a convenient and appropriate
5 method of discharging his duties, and is kept by him as such, whether required by
6 ... law or not.

7 *Griffis v. Pinal Cnty.*, 215 Ariz. 1, 4 ¶ 9 (2007) (quoting *Salt River Pima-Maricopa Indian*
8 *Cnty. v. Rogers*, 168 Ariz. 531, 538–39 (1991)).

9 35. The records sought by the Institute are public records within the meaning of
10 A.R.S. § 39-121 *et seq.* and Arizona law.

11 36. Respondents have records in their possession that are responsive to the
12 Institute’s request.

13 37. Respondents have withheld responsive records from the Institute.

14 38. In its response to the Institute’s request, the AG’s Office claims that the
15 requested records “to the extent any exist” are confidential pursuant to A.R.S. §§ 44-1406,
16 44-1525, and exempt from disclosure under “attorney work product privilege.”

17 39. Arizona’s Public Records law requires agencies to query and search its
18 database to identify, retrieve, and produce responsive records for inspection.

19 40. The AG’s Office’s response to the Request indicates that the AG’s Office
20 does not have knowledge regarding whether any responsive documents to Request items
21 1 and 2 exist.

22 41. Therefore, Request items 1 and 2 were denied without the AG’s Office
23 performing a query and search of its database as required under Arizona Public Records
24 law.

25 42. The AG’s Office’s claims of confidentiality under state statute and attorney
26 work product privilege are also inapplicable.

27 43. Section 44-1406 regards investigations by the attorney general and “any
28 procedure, testimony taken or material produced under this section shall be kept
confidential by the attorney general before bringing an action against a person under this
article for the violation under investigation.”

1 44. The confidentiality provision of Section 44-1406 does not apply to the
2 records sought.

3 45. Additionally, Section 44-1406 only applies to materials *before* a lawsuit is
4 filed.

5 46. The lawsuit against RealPage was filed by Attorney General Mayes on
6 February 28, 2024, and therefore Section 44-1406 does not apply to the requested records.

7 47. Even if there are confidentiality interests in the requested records—there are
8 not—the public’s interest in disclosure outweighs any such asserted interests.

9 48. Section 44-1525 applies confidentiality to “[a]ll information or evidence
10 *provided to the attorney general.*” (emphasis added).

11 49. Section 44-1525 does not apply to the records requested.

12 50. Request items 1 and 2 seek numerical data, presumably compiled *by* the
13 Attorney General’s Office, not information or evidence “provided to” the Attorney
14 General.

15 51. The confidentiality provisions of the cited statutes do not apply to the
16 internal documents of the AG’s Office.

17 52. Even if the cited statutes apply—they do not—the public’s interest in
18 disclosure outweighs any asserted confidentiality interest of Respondents.

19 53. Attorney work product privilege is designed to protect materials prepared
20 in anticipation of litigation, and the rule may not be invoked unless materials were
21 collected for this purpose.

22 54. Work product privilege is intended to protect mental impressions and
23 theories of attorneys concerning actual or prospective litigation.

24 55. The Request does not seek any material covered by attorney work product
25 privilege or containing any mental impressions or theories.

26 56. Numerical data regarding consumer complaints are not documents that
27 reveal mental impressions or theories of attorneys.
28

1 57. On information and belief, the requested records seeking numerical data
2 regarding consumer complaints were not prepared in anticipation of litigation.

3 58. To the extent any cited statute or exemption applies, Respondents have an
4 affirmative duty to redact exempted information and produce public information that is
5 not made confidential by statute or exempted from disclosure.

6 59. Respondents have wrongfully withheld public information in violation of
7 Arizona's Public Records Law.

8 **DECLARATORY RELIEF ALLEGATIONS**

9 60. Petitioner re-alleges and incorporates the preceding paragraphs.

10 61. An actual and substantial controversy exists between Petitioner and
11 Respondents as to their respective legal rights and duties. *See* A.R.S. § 12-1831.

12 62. Petitioner believes and contends that records of consumer complaints
13 regarding RealPage are public records that are not exempt from disclosure under Arizona
14 Public Records Law.

15 63. Petitioner is informed and believes, and on that basis alleges, that
16 Respondents contend that the requested records are not subject to disclosure.

17 64. Respondents have asserted that it has in its possession but has withheld
18 records under statute or alleged exemptions to Arizona's Public Records Law.

19 65. Thus, declaratory relief under the Arizona Public Records Law is
20 appropriate.

21 **REQUEST FOR RELIEF**

22 To serve the interests of equity and justice, the Goldwater Institute respectfully
23 requests that the Court award the following relief:

24 A. Declare that Respondents have violated Arizona's Public Records Law by
25 withholding public information.

26 B. Issue an order compelling the Respondents to immediately provide the
27 requested public records;
28

1 C. Issue a preliminary and permanent injunction enjoining Respondents from
2 withholding the requested records;

3 D. Award attorney fees and costs pursuant to A.R.S. §§ 12-341, 12-348, 12-
4 2030, and 39-121.02; and the private attorney general doctrine; and

5 E. Order such additional relief as may be just and proper.

6 **RESPECTFULLY SUBMITTED** this 12th day of November 2025.

7
8 **MICHAEL J. BLOOM, P.C.**

9 /s/ Michael J. Bloom

10 Michael J. Bloom
11 Attorney for Plaintiff

12 **GOLDWATER INSTITUTE**

13 /s/ Stacy Skankey

14 Stacy Skankey
15 500 E. Coronado Rd.
16 Phoenix, Arizona 85004
17 Attorneys for Plaintiff
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

Pursuant to Rule 80(i), Ariz. R. Civ. P., Jonathan Riches verifies under penalty of perjury that the foregoing is true and correct:

1. I am the Vice President of Litigation and General Counsel for Plaintiff Goldwater Institute.

2. I have read the foregoing Complaint and know the contents thereof.

3. The statements and matters alleged are true of my own personal knowledge, except as to those matters stated upon information and belief, and as to such matters, I reasonably believe them to be true.

4. I further attest that there is sufficient cause to grant Plaintiff the relief requested in the Complaint, and the Defendants should therefore be required to show cause as to why the relief requested should not be granted.

Dated this 12th day of November 2025.

/s/ Jonathan Riches
Jonathan Riches