

MANGUM, WALL, STOOPS & WARDEN, P.L.L.C.
ATTORNEYS AT LAW
100 NORTH ELDEN STREET
P. O. BOX 10
FLAGSTAFF, ARIZONA 86002
(928) 779-6951

1 Franklin J. Hoover, Esq., Bar No. 015110
2 fhoover@mwsowlaw.com
3 Anthony W. Contente-Cuomo, Esq., Bar No. 025062
4 acontente-cuomo@mwsowlaw.com
5 MANGUM, WALL, STOOPS & WARDEN, P.L.L.C.
6 100 North Elden/P.O. Box 10
7 Flagstaff, AZ 86002
8 Telephone: 928-779-6951
9 Fax: 928-773-1312
10 Attorneys for Plaintiff

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF YAVAPAI**

13 CONGRESS ELEMENTARY)
14 SCHOOL DISTRICT NO. 17)
15 OF YAVAPAI COUNTY,)
16)
17 Plaintiff,)
18)
19 v.)
20)
21 JEAN WARREN, JENNIFER RENEE)
22 HOGE, CYNDI REGIS, AND)
23 BARBARA REJON,)
24)
25 Defendants.)

26 **CASE NO. P1300 CV 201000162**
AMENDED VERIFIED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

27 Plaintiff, CONGRESS ELEMENTARY SCHOOL DISTRICT NO. 17 OF YAVAPAI
28 COUNTY (hereinafter "Plaintiff" or "Congress"), by and through its attorneys, respectfully
29 submits its Complaint for Declaratory and Injunctive Relief pursuant to A.R.S. §12-1831, *et. seq.*,
30 the Uniform Declaratory Judgments Act, and Arizona Rules of Civil Procedure ("A.R.C.P.")
31 Rule 57, as follows. The Plaintiff's claims arise from the actions of Defendants Jean Warren,
32 Jennifer Renee Hoge, Cyndi Regis, and Barbara Rejon, in engaging in a coordinated campaign to
33 harass and impede the functioning of Congress through multiple complaints filed with various

MANGUM, WALL, STOOPS & WARDEN, P.L.L.C.
ATTORNEYS AT LAW
100 NORTH ELDEN STREET
P. O. BOX 10
FLAGSTAFF, ARIZONA 86002
(928) 779-6951

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

governmental agencies, and the abuse of the public record request system codified in A.R.S. §39-121, *et. seq.*, from the 2002 school year through the date of this filing. The Defendants collectively filed over one hundred (100) public records requests, over ten (10) complaints with the Arizona Department of Education, complaints with the County Sheriff, complaints with the Fire Marshall, complaints with the Ombudsman, and complaints with the Attorney General. This protracted and coordinated attack on Congress constitutes a nuisance and harassment. Congress also asserts that it is contrary to the best interests of the State to continue to comply with the numerous public records requests filed by the Defendants on an almost daily basis.

I. JURISDICTION

1. This Court has jurisdiction to hear and determine this Complaint and to grant the relief requested pursuant to Article VI, Section 18 of the Arizona Constitution and A.R.S. §12-1831.

2. This Court is empowered to order a speedy hearing of this action for a Declaratory Judgment and advance it on its calendar pursuant to Rule 57, A.R.C.P.

II. PARTIES

3. Plaintiff Congress Elementary District No. 17 of Yavapai County is a unified school district in Yavapai County, Arizona, formed pursuant to Title 15, Arizona Revised Statutes.

4. Defendant Jean Warren is a resident of Yavapai County living within the Congress Elementary District No. 17 of Yavapai County school district.

5. Defendant Barbara Rejon is a resident of Yavapai County living within the Congress Elementary District No. 17 of Yavapai County school district.

6. Defendant Cyndi Regis is a resident of Yavapai County living within the Congress Elementary District No. 17 of Yavapai County school district.

1 7. Defendant Jennifer Renee Hoge is a resident of Yavapai County living within the
2 Congress Elementary District No. 17 of Yavapai County school district.

3
4 **III. FACTUAL ALLEGATIONS**

5 **A. Defendant Jean Warren: Public Records Requests**

6 8. In a letter dated June 12, 2002, Defendant Jean Warren filed a request for Plaintiff
7 Congress' personnel to attend conferences set up by Defendant Jean Warren on the subject of
8 special education. Defendant Jean Warren made a thinly veiled threat of litigation by commenting,
9 "I believe by helping to arrange for these very informative meetings, many of the 'past
10 improprieties' and mis-conduct of the congress school's administration can be averted since
11 parents will be better informed as to their rights and the obligations of school officials, averting
12 litigation."

13
14 9. Defendant Jean Warren followed up her letter dated June 12, 2002, to the Plaintiff
15 Congress Board with a letter dated June 27, 2002, in which Defendant Jean Warren filed a request
16 for Plaintiff Congress' Board to respond in writing by the close of business on June 27, 2002, as to
17 why she did not receive a response to her June 12, 2002 letter.

18 10. In a letter dated June 21, 2002, Defendant Jean Warren filed a public records
19 request with Plaintiff Congress requesting the production of:

20 a) Documentation demonstrating all Plaintiff Congress' Board meeting
21 agendas and minutes from September of 2000 to June 21, 2002.

22 b) Documentation demonstrating all Plaintiff Congress' Board meeting
23 agendas and minutes from the February 11, 2001 regular meeting.

24 c) Documentation demonstrating all Plaintiff Congress' Board meeting
25 agendas and minutes from the March 11, 2001 regular meeting.
26

1 d) Documentation demonstrating all Plaintiff Congress' Board meeting
2 agendas and minutes from the April 8, 2001 regular meeting.

3 e) Documentation demonstrating all Plaintiff Congress' Board meeting
4 agendas and minutes from the June 10, 2001 regular meeting.

5 f) Documentation demonstrating all Plaintiff Congress' Board meeting
6 agendas and minutes from the May 3, 2001 special meeting.

7
8 11. In a letter dated June 27, 2002, Defendant Jean Warren filed a request with Plaintiff
9 Congress' Board for permission to speak at the "next regular Board meeting on the subject of the
10 Budget. Specifically, Special Ed Funding, Transportation, enrollment." Defendant Jean Warren
11 further requested a response in writing to her request.

12
13 12. In a second letter dated June 27, 2002, Defendant Jean Warren filed a public records
14 request with Plaintiff Congress demanding for the production of "records already requested" by the
15 close of business on June 27, 2002. This letter included threatening citations to the Arizona
16 Criminal and Education code.

17 13. In a third letter dated June 27, 2002, Defendant Jean Warren filed a public records
18 request with Plaintiff Congress demanding for the production of:

19 a) Documentation demonstrating all Plaintiff Congress' Board meeting
20 agendas and minutes from September of 2000 to June 27, 2002.

21 b) Documentation demonstrating all Plaintiff Congress' Board meeting
22 agendas and minutes from the February 11, 2001 regular meeting.

23 c) Documentation demonstrating all Plaintiff Congress' Board meeting
24 agendas and minutes from the March 11, 2001 regular meeting.

25 d) Documentation demonstrating all Plaintiff Congress' Board meeting
26

1 agendas and minutes from the April 8, 2001 regular meeting.

2 e) Documentation demonstrating all Plaintiff Congress' Board meeting
3 agendas and minutes from the June 10, 2001 regular meeting.

4 f) Documentation demonstrating all Plaintiff Congress' Board meeting
5 agendas and minutes from the May 3, 2001 special meeting.

6
7 14. In a fourth letter dated June 27, 2002, Defendant Jean Warren requested that
8 Plaintiff Congress' Board "make a change to the minutes of the June 12th, where item 3 is
9 incorrectly documented." This requested change was within the Public Comment area.

10 15. In a letter dated February 4, 2003, Defendant Jean Warren filed a public records
11 request with Plaintiff Congress demanding the production of Plaintiff Congress' Board meeting
12 minutes from January 24, 2003, to February 4, 2003, before the close of business on February 4,
13 2003.

14
15 16. In February of 2003, Plaintiff's Governing Board engaged legal counsel to address
16 the records requests made by Defendant Jean Warren. Several letters from Plaintiff's legal counsel
17 to Defendant Jean Warren were exchanged, and there were no further public records requests made
18 by Defendant Jean Warren until 2007.

19 17. In a letter dated October 12, 2007, Defendant Jean Warren filed a request that
20 Plaintiff Congress' superintendent:

21 a) Open the front gate and have handicapped parking available.
22 b) Permit Defendant Jean Warren to "pull up behind the school in the open
23 area next to the back doors," if no handicapped parking is available.

24 c) Provide an email address "to write instead of faxing."

25
26 18. In a second letter dated October 12, 2007, Defendant Jean Warren filed a request

1 that Plaintiff Congress' Board "direct a committee to be formed of community members overseen
2 by staff or a Board member to research the overall program and it's effectiveness."

3
4 19. In a third letter dated October 12, 2007, Defendant Jean Warren filed a public
5 records request with Plaintiff Congress asking for the production of:

6 a) Documentation demonstrating Superintendent Toni Wayas' job description,
7 qualifications, on-going training, and any contracts for her employment since she was hired by
8 Plaintiff Congress.

9 b) Documentation demonstrating IT Specialist Susan Phillips' job description,
10 qualifications, on-going training, and any contracts for her employment since she was hired by
11 Plaintiff Congress.

12 c) Documentation demonstrating a complete list of "dollars spent on all
13 computers from the original dates of purchase to October 12, 2007."

14 d) Documentation demonstrating dollar amounts spent on all IT training,
15 contract employees, and overall budget for computers.
16

17 20. In a letter dated November 4, 2008, Defendant Jean Warren filed a public records
18 request with Plaintiff Congress asking for the following documents to be sent to her via email:

19 a) All future agendas and consent agendas for any and all future Board
20 meetings.

21 b) All minutes for any and all future Board meetings.

22 c) All Plaintiff Congress Board Packets "in their entirety when they are given
23 to the Board excluding confidential info" for any and all future Board meetings.
24

25 d) All draft copies of minutes that have not been approved by Plaintiff
26 Congress' Board for any and all future Board meetings.

1 21. In a letter dated November 6, 2008, Defendant Jean Warren filed a public records
2 request with Plaintiff Congress asking for the production of:

3 a) Documentation demonstrating all Plaintiff Congress Board meeting
4 documents from January 1, 2008, to November 6, 2008.

5 b) Documentation demonstrating all Plaintiff Congress "Board meeting
6 agendas, consent agendas, and soft notices from January 1, 2008, to November 6, 2008."

7 c) Documentation demonstrating all Plaintiff Congress Board meeting minutes
8 from January 1, 2008, to November 6, 2008.

9 d) Documentation demonstrating all Plaintiff Congress Board Packets "in their
10 entirety that were given to the Board excluding confidential info" from January 1, 2008, to
11 November 6, 2008.

12 22. Defendant Jean Warren filed a public records request form with Plaintiff Congress
13 on November 12, 2008, which did not include a request for any specific documentation.

14 23. In a letter dated November 17, 2008, Defendant Jean Warren filed a public records
15 request with Plaintiff Congress asking for the production of the following by 11:00 am on
16 November 17, 2008:

17 a) Documentation demonstrating the serial number of each air conditioning
18 unit that was replaced.

19 b) Documentation demonstrating the warranty information on each new air
20 conditioning unit.

21 c) Documentation demonstrating the serial number on each new air
22 conditioning unit.

23 d) Documentation demonstrating the original cost of each air conditioning unit
24
25
26

1 and from what fund.

2 e) Documentation demonstrating how much time was left on the warranty for
3 each air conditioning unit replaced.

4 f) Documentation demonstrating the specific problems with each air
5 conditioning unit that was replaced.

6 g) Documentation demonstrating all "documentation for this job, including any
7 notes about the new or old equipment."

8 h) Documentation demonstrating a "copy of the actual check made payable to
9 CR Cooling. Not just the number of the voucher."

10 i) Documentation demonstrating when Plaintiff Congress' Board gave specific
11 authority to replace the air conditioners.

12
13
14 24. In a second letter dated November 17, 2008, Defendant Jean Warren filed a public
15 records request with Plaintiff Congress asking for the production of the following by 11:00 am on
16 November 17, 2008:

17 a) Documentation demonstrating the serial number for each computer sold, the
18 original cost of each computer sold, and the selling cost of each computer sold.

19 b) Documentation demonstrating when the Plaintiff Congress' Board gave
20 specific authority to sell any computers.

21 c) Documentation demonstrating any documentation of when Plaintiff
22 Congress' Board alerted district families that these computers were being sold.

23 d) Documentation demonstrating the warranty period left on all Plaintiff
24 Congress' current computers in inventory.

25
26 25. Defendant Jean Warren filed a public records request form with Plaintiff Congress

1 on November 19, 2008, asking for the production of documentation demonstrating Plaintiff
2 Congress' Board minutes for November, 2008.

3
4 26. In a letter dated November 26, 2008, Defendant Jean Warren filed a public records
5 request with Plaintiff Congress asking for the production of the following by the close of business
6 on November 26, 2008:

- 7 a) Documentation demonstrating the January 14, 2008 letter to Robert Source.
8 b) Documentation demonstrating the January 23, 2008 letter to Terry Corbett.
9 c) Documentation demonstrating the January 29, 2008 letter to Joy Hernbro.
10 d) Documentation demonstrating the signed February 21, 2008 OMLET letter.
11 e) Documentation demonstrating any documentation that you sent with the
12 above listed letters regarding the alleged Open Meeting Law violations and any subsequent
13 training.
14

15 27. In a letter dated December 12, 2008, Defendant Jean Warren filed a public records
16 request with Plaintiff Congress asking for the production of the following by the close of business
17 on December 12, 2008:

- 18 a) Documentation demonstrating warranty information on each new air
19 conditioning unit.
20 b) Documentation demonstrating the serial number on each new air
21 conditioning unit.
22 c) Documentation demonstrating the specific problems with each air
23 conditioning unit that was replaced.
24 d) Documentation demonstrating "all documentation for this job, including any
25 notes about the new or old equipment."
26

1 28. In a letter dated December 18, 2008, Defendant Jean Warren requested that all
2 future Plaintiff Congress' Board meeting agendas and minutes be sent to her by email.

3 29. Defendant Jean Warren filed a public records request form with Plaintiff Congress
4 on December 18, 2008, asking for the production of:

- 5 a) Documentation demonstrating the stewardship list.
6 b) Documentation demonstrating the Attorney General "papers."
7

8 30. In a letter dated January 7, 2009, Defendant Jean Warren filed a request for a
9 written response from Plaintiff Congress' Board concerning her request for the Board to review her
10 video of the Public Budget Hearing for the 2008-2009 School Year.

11 31. In a second letter dated January 7, 2009, Defendant Jean Warren filed a "formal
12 request" with Plaintiff Congress asking for the "entire Board, Mrs. Wayas, Mrs. Barksdale, and
13 Mrs. Neil" to attend a training on Public Records Law and Records Management.

14 32. In a letter dated March 10, 2009, Defendant Jean Warren filed a public records
15 request with Plaintiff Congress asking for records concerning school staff behavior and Open
16 Meeting Law Complaints.

17 33. In a second letter dated March 10, 2009, Defendant Jean Warren filed a public
18 records request with Plaintiff Congress asking for the following by March 13, 2009:
19 Documentation demonstrating "all cards returned to Plaintiff Congress from the 2007 Uniform
20 survey conducted by committees, school personnel, or Board members in regards to changing the
21 dress code, uniform policy, or any related material."
22

23 34. In a third letter dated March 10, 2009, Defendant Jean Warren filed a public records
24 request with Plaintiff Congress for:

- 25 a) All agendas and consent agendas for any and all future Board meetings.
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- b) The minutes of all future Board meetings by the third day after a meeting.
- c) Board packets in their entirety when they are given to the Board, excluding confidential information for all future Board meetings.

35. In a fourth letter dated March 10, 2009, Defendant Jean Warren filed a public records request with Plaintiff Congress asking for the production of the following by March 13, 2009: all vouchers to anyone for the purchase and installation of two Tuff Sheds.

36. In a fifth letter dated March 10, 2009, Defendant Jean Warren filed a public records request with Plaintiff Congress asking for the production of the following by March 13, 2009:

- a) "All documentation for the calendar year 2008, including any notes about the new or old equipment that was installed or repaired, concerning any air conditioners."
- b) All vouchers to Cooling and Refrigeration, Inc., for the calendar year 2008.

37. In a sixth letter dated March 10, 2009, Defendant Jean Warren filed a public records request with Plaintiff Congress asking for the production of the following by March 13, 2009:

- a) All receipts from the sale of any computers in the calendar year 2008.
- b) The bank statement for the deposit of funds from the sale of any computers in the calendar year 2008 and when the Board was notified of the sale.

38. In a seventh letter dated March 10, 2009, Defendant Jean Warren filed a public records request with Plaintiff Congress asking for the production of the following by March 13, 2009: "all cards returned to Plaintiff Congress from the survey conducted by Yavapai County in regards to the building of a high school, which were released in the March Press Release."

39. Defendant Jean Warren filed a public records request form with Plaintiff Congress on March 25, 2009, asking for the production of "copies of letters or requests."

40. In a letter dated April 8, 2009, Defendant Jean Warren filed a public records request

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

with Plaintiff Congress asking for:

a) Documentation demonstrating “if Consent Agenda in the amount of \$74,000 are one purchase order or represent multiple purchase orders.”

b) Documentation demonstrating “when the Board is seeing what these amounts are being spent on.”

41. In a letter dated April 9, 2009, Defendant Jean Warren filed a public records request with Plaintiff Congress asking for a copy of the letter concerning SFB funding presented by Kent McGrew at the April 8, 2009, District Governing Board Meeting.

42. Defendant Jean Warren filed a public records request form with Plaintiff Congress on May 5, 2009, asking for the “Tuff Shed purchase orders or whatever they are called.”

43. Defendant Jean Warren filed a public records request with Plaintiff Congress on May 8, 2009, asking for:

- a) The Cooling and Refrigeration, Inc., invoice or purchase order.
- b) Tuff Shed purchase orders or invoices from 2006-2008.
- c) Documentation demonstrating “how far back the May agendas go.”
- d) Documentation demonstrating “the time Plaintiff Congress’ office closes on Friday, 1:30pm or 4:00pm?”

44. In a letter dated May 15, 2009, Defendant Jean Warren filed a request with Plaintiff Congress asking to schedule a time with Superintendent Toni Wayas, who is also the principal of Plaintiff Congress Elementary District No. 39, to discuss:

- a) The purchase orders for Cooling and Refrigeration, Inc.
- b) The money spent for computers.
- c) The Board minutes for the May 13, 2009, Board meeting.

1 45. Defendant Jean Warren filed a public records request with Plaintiff Congress on
2 May 21, 2009, asking for "Purchase orders."

3 46. Defendant Jean Warren filed a public records request with Plaintiff Congress on
4 June 3, 2009, asking for "pictures taken of the Board Minutes from 2001 to 2007."

5 47. On August 14, 2009, Defendant Jean Warren came into the office of Plaintiff
6 Congress' school and requested a copy of the stewardship list for the 2008-2009 School Year.
7

8 48. In a letter dated August 14, 2009, Defendant Jean Warren filed a public records
9 request with Plaintiff Congress asking for "any and all purchase orders, vouchers, receipts, and bid
10 information for every computer purchased by Plaintiff Congress since January, 2007."

11 49. In a letter dated August 26, 2009, Defendant Jean Warren filed a public records
12 request with Plaintiff Congress asking for "a copy of the 2006-2007 School Year stewardship list
13 from the school file."
14

15 50. In a second letter dated August 26, 2009, Defendant Jean Warren filed a public
16 records request with Plaintiff Congress asking for:

- 17 a) A complete stewardship list which includes disposal and sale dates of assets.
18 b) Documentation demonstrating the "Request to dispose of equipment forms
19 per USFR" for each disposal or sale of assets.
20

21 51. In a third letter dated August 26, 2009, Defendant Jean Warren filed a public
22 records request with Plaintiff Congress asking for:

- 23 a) Any "curriculum for all grade levels that teach anything in regards to the use
24 of computers."

- 25 b) Documentation demonstrating specifically how the teachers are
26 incorporating technology into their class work.

1 c) Documentation demonstrating information on how “smart boards” are used
2 and how often they are used in the classroom per week or month.

3 d) Documentation demonstrating how students are evaluated each year as to
4 what they have learned regarding computer technology and use.

5 e) A sample of any contract students or parents must sign for use of the
6 computers during the school year.

7 f) Any written instructions on the actual use of the computer.

8 g) Documentation demonstrating what students are allowed and not allowed to
9 do with computers.

10 h) Documentation demonstrating if students can connect to the internet at
11 home.

12 i) Documentation demonstrating if students are allowed to make a directory to
13 save documents on their hard drive that pertain to their school work or research for school work.

14 j) Documentation demonstrating how technology fits in to the standards for
15 education.

16 52. In a fourth letter dated August 26, 2009, Defendant Jean Warren filed a public
17 records request with Plaintiff Congress asking for the production of:

18 a) Documentation and “any notes you may have on the reason these documents
19 were not shown to the Board,” demonstrating the number of requests by community members to
20 put “an item on the agenda” not “related to FERPA” and “public record of CESD” or “for review
21 of policy.” The date range for the documentation requested was “over the years.”

22 53. In a fifth letter dated August 26, 2009, Defendant Jean Warren filed a public records
23 request with Plaintiff Congress asking for:

1 a) All receipts of \$100.00 or more for any assets sold during the 2006-2007,
2 2007-2008, and 2008-2009 school years.

3 b) All receipt books for any assets sold during the 2006-2007, 2007-2008, and
4 2008-2009 school years for \$100.00 or more.

5
6 54. In a sixth letter dated August 26, 2009, Defendant Jean Warren filed a public
7 records request with Plaintiff Congress asking for:

8 a) Any and all information regarding insurance premiums, or if an individual
9 elected not to receive insurance, the information on all stipends, for all of Plaintiff Congress'
10 employees for the 2008-2009 and 2009-2010 school years.

11 b) Information regarding insurance policies covering all buildings and assets
12 held by Plaintiff Congress for the 2008-2009 and 2009-2010 school years.

13 c) Information regarding insurance policies covering any school board
14 members or school board activities of Plaintiff Congress for the 2008-2009 and 2009-2010 school
15 years.

16 d) Information regarding insurance policies covering all vehicles owned by
17 Plaintiff Congress for the 2008-2009 and 2009-2010 school years.

18 e) Information regarding where the funding for all insurance policies and
19 stipends are being paid from within Plaintiff Congress' budget for the 2008-2009 and 2009-2010
20 school years.

21
22
23 55. In a seventh letter dated August 26, 2009, Defendant Jean Warren filed a public
24 records request with Plaintiff Congress asking for:

25 a) A copy of all bids for the construction of a vestibule in the front of Plaintiff
26 Congress' building.

1 b) A copy of all permits for the construction of a vestibule in the front of
2 Plaintiff Congress' building.

3 c) A copy of all purchase orders for the construction of a vestibule in the front
4 of Plaintiff Congress' building.

5 d) A copy of all vouchers for the construction of a vestibule in the front of
6 Plaintiff Congress' building.

7 e) A copy of all receipts for the construction of a vestibule in the front of
8 Plaintiff Congress' building.

9 f) A copy of all invoices for the construction of a vestibule in the front of
10 Plaintiff Congress' building.

11 g) Documentation demonstrating all materials purchased for the construction of
12 a vestibule in the front of Plaintiff Congress' building.

13 h) The name of the contractor that performed the construction of the vestibule
14 in the front of Plaintiff Congress' building.

15 i) The license number of the contractor that performed the construction of the
16 vestibule in the front of Plaintiff Congress' building.

17 j) Documentation demonstrating where the funding to pay the contractor that
18 performed the construction of the vestibule in the front of Plaintiff Congress' building came from.

19 k) Documentation demonstrating any approvals from either the State or County
20 Fire Marshall for the construction of the vestibule in the front of Plaintiff Congress' building.

21 56. In an eighth letter dated August 26, 2009, Defendant Jean Warren filed a public
22 records request with Plaintiff Congress asking for a copy of the letter of resignation, retirement, or
23 dismissal for Kathy Barksdale.
24
25
26

1 57. On August 27, 2009, Defendant Jean Warren filed a public records request with
2 Plaintiff Congress asking for:

3 a) Any correspondence discussing any violations of the Open Meeting Law
4 along with remedies for all years since 2000 with any agency regarding the Open Meeting Law,
5 Public Records Law, and the Freedom Of Information Act.
6

7 b) Any phone log, letter, or email making contact with Chris Thomas or any
8 other individual for the January 28, 2008, training on the Open Meeting Law and when
9 Mr. Thomas received a copy of the letter from the Attorney General's office.

10 c) All training material and syllabi for all training to Plaintiff Congress' staff
11 regarding the Open Meeting Law, Public Records Law, and the Freedom Of Information Act.

12 d) Documentation demonstrating what training or classes Plaintiff Congress'
13 staff or Board members attended and for what reason regarding the Open Meeting Law, Public
14 Records Law, and the Freedom Of Information Act.
15

16 e) Documentation demonstrating what the cost of such training or classes
17 regarding the Open Meeting Law, Public Records Law, and the Freedom Of Information Act was
18 to Plaintiff Congress.

19 f) Documentation demonstrating any yearly training for Plaintiff Congress'
20 staff or board members by the Arizona School Boards Association or any other firm or agency
21 regarding the Open Meeting Law, Public Records Law, and the Freedom Of Information Act.
22

23 58. In a letter dated January 13, 2010, Defendant Jean Warren filed a public records
24 request with Plaintiff Congress asking for the production of "the complete stewardship list" and
25 "other Public Records Requests made in 2009."
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

B. Defendant Jennifer Renee Hoge: Public Records Requests

59. On information and belief, Defendant Jennifer Renee Hoge is Defendant Jean Warren's daughter.

60. In a letter dated June 12, 2002, Defendant Jennifer Renee Hoge filed a request to Plaintiff Congress for Plaintiff Congress' Board to review Title 7 of the Arizona Administrative Code, the National Education Association's Code of Ethics, and the American Association of School Administrator's Code of Ethics referred to by the Arizona State Board of Education.

61. Defendant Jennifer Renee Hoge followed up her letter dated June 12, 2002, with a June 27, 2002, letter in which Defendant Jennifer Renee Hoge filed a request to Plaintiff Congress' Board to respond in writing why she did not receive a written response to her June 12, 2002, letter by the close of business on June 27, 2002.

62. In a letter dated February 20, 2003, Defendant Jennifer Renee Hoge filed a public records request with Plaintiff Congress requesting for the production of:

a) Documentation demonstrating why Plaintiff Congress did not approve a Purchase Order to pay for her son's treatment at Phoenix Children's Hospital.

b) A copy of any check from Plaintiff Congress that demonstrates the services rendered by Phoenix Children's Hospital were paid

63. Defendant Jennifer Renee Hoge acted in conjunction with Defendant Jean Warren to harass and create a nuisance for Plaintiff Congress.

C. Defendant Cyndi Regis: Public Records Requests

64. On information and belief, Defendant Cyndi Regis is a personal friend of Defendant Jean Warren.

65. Defendant Cyndi Regis was observed attending numerous Plaintiff Congress' Board

1 meetings acting in conjunction with Defendant Jean Warren by Plaintiff Congress personnel.

2 66. Defendant Cyndi Regis is the legal guardian of S.S., a current student of Plaintiff
3 Congress' school.

4 67. Defendant Cyndi Regis filed a public records request form with Plaintiff Congress
5 on November 14, 2008, asking for "a legible copy of the consent agenda from the Wednesday,
6 Nov. 12th, 2008 Board Meeting when I pick S.S. up today."

7 68. In a letter dated December 4, 2008, Defendant Cyndi Regis filed a public records
8 request with Plaintiff's Superintendent Toni Wayas for her student's "discipline record in its
9 entirety, including all supporting documents" within one business day.

10 69. In a second letter dated December 4, 2008, Defendant Cyndi Regis filed a public
11 records request with Plaintiff's Superintendent Toni Wayas for her student's "complete discipline
12 record from his first day enrolled at Congress Elementary, the 2005-2006 school year to current."

13 70. Defendant Cyndi Regis filed a public records request form with Plaintiff Congress
14 on December 16, 2008, asking for "Board minutes with all supporting documents for September,
15 October, November, and December of 2008."

16 71. Defendant Cyndi Regis filed a public records request form with Plaintiff Congress
17 on January 23, 2009, asking for "Board records."

18 72. Defendant Cyndi Regis filed a public records request form with Plaintiff Congress
19 on February 9, 2009, asking for the Board packet for the February 11, 2009 Plaintiff Congress
20 Board meeting and all other "documents pertaining to this meeting."

21 73. In a letter dated March 11, 2009, Defendant Cyndi Regis filed a public records
22 request with Plaintiff Congress employee Toni Wayas for her student's "cumulative school record
23 in its entirety."
24
25
26

1 74. Defendant Cyndi Regis filed a public records request form with Plaintiff Congress
2 on March 13, 2009, asking for her student's "cumulative school record in its entirety."

3 75. In a letter dated May 5, 2009, Defendant Cyndi Regis filed a public records request
4 with Plaintiff Congress employee Toni Wayas for:
5

6 a) A "complete list of the types of records that you have kept on my child...
7 This request would include all of the file names. For example: Discipline files, Academic
8 files/test scores, Hand written files, Cafeteria files, Medical files, Confidential files, Electronic
9 files, Legal files, Silent files, Attendance files, ADE files, Accumulative files, Etc..."

10 b) An "entire written list of all file names that my student's records are kept
11 under."

12 c) Documentation demonstrating any reasons why some files may not be
13 viewed by Defendant Cyndi Regis.
14

15 d) Documentation demonstrating the "specific legal reference that supports the
16 school keeping those records from me. For example USC, ARS, FERPA, and/or policy
17 number/reference."

18 76. In a letter dated June 5, 2009, Defendant Cyndi Regis filed a public records request
19 with Plaintiff Congress employee Toni Wayas requesting a written response and for:
20

21 a) Documentation demonstrating where Defendant Cyndi Regis may obtain
22 supporting documents for the school board meetings prior to them being held.

23 b) Documentation demonstrating who Defendant Cyndi Regis may contact for
24 information on free school uniforms for the upcoming year.

25 c) Documentation demonstrating the balance of her student's lunch money
26 account.

1 77. In a letter dated Friday, August 28, 2009, Defendant Cyndi Regis filed a public
2 records request with Plaintiff Congress requesting the following by no later than Monday,
3 August 31, 2009:

4 a) A “breakdown of lines 2300 through 3000 of the expenditure budget for last
5 year.”

6 b) The “names and dollar amounts paid to them” as reflected by “lines 2300
7 through 3000 of the expenditure budget for last year.”

8 c) Mrs. Wayas’ contract with Plaintiff Congress for the positions of principal
9 and superintendent.

10 d) Mrs. Wayas’ “dollar amount” under her contract with Plaintiff Congress.

11 e) The “dollar amounts to lines 2300 through 3000 of this years budget and to
12 who is going to receive those funds along with the dollar amount.”
13

14 78. Defendant Cyndi Regis acted in conjunction with Defendant Jean Warren to harass
15 and create a nuisance for Plaintiff Congress.
16

17 **D. Defendant Barbara Rejon: Public Records Requests**

18 79. On information and belief, Defendant Barbara Rejon is a tenant of Defendant Jean
19 Warren.

20 80. On information and belief, Defendant Barbara Rejon is a personal friend of
21 Defendant Jean Warren.
22

23 81. Defendant Barbara Rejon is the legal guardian of P.L. a current student in Plaintiff
24 Congress’ district.

25 82. Defendant Barbara Rejon was observed attending numerous Plaintiff Congress’
26 Board meetings acting in conjunction with Defendant Jean Warren by Plaintiff Congress’

1 personnel.

2 83. Defendant Barbara Rejon filed a public records request form, dated August 22,
3 2008, with Plaintiff's Superintendent Toni Wayas asking for:

4 a) The "original questionnaires regarding implementing uniforms."

5 b) The "surveys (originals) regarding uniform styles and colors."

6
7 84. Defendant Barbara Rejon filed a public records request form, dated August 23,
8 2008, with Plaintiff's Superintendent Toni Wayas asking for "copies of survey (May 22) regarding
9 uniform styles, etc."

10 85. Defendant Barbara Rejon filed a public records request form, dated December 16,
11 2008, with Plaintiff's Superintendent Toni Wayas asking for the "minutes of 12/10/08 board
12 meeting."

13 86. Defendant Barbara Rejon filed a public records request form, dated December 18,
14 2008, with Plaintiff's Superintendent Toni Wayas asking for:

15 a) The "original questionnaires regarding implementing uniform."

16 b) The "original surveys regarding uniform styles and colors."

17 c) The provision "in writing your reason for not letting me inspect these
18 documents."
19

20 87. Defendant Barbara Rejon filed a public records request form, dated January 22,
21 2009, with Plaintiff's Superintendent Toni Wayas asking for the "board books."
22

23 88. Defendant Barbara Rejon filed a public records request form, dated February 10,
24 2009, with Plaintiff's Superintendent Toni Wayas asking for the "board agenda and supporting
25 docs."
26

89. Defendant Barbara Rejon filed a public records request form, dated March 13,

1 2009, with Plaintiff's Superintendent Toni Wayas asking for "student accumulative file (medical,
2 attendance, discipline, etc) and information regarding counselor seen during school."

3
4 90. In a letter dated March 13, 2009, Defendant Barbara Rejon filed a public records
5 request with Plaintiff's Superintendent Toni Wayas for "my daughter's, P.L., accumulative student
6 record file along with any other files that are kept such as a medical file, discipline file, attendance
7 file etc."

8 91. In a second letter dated March 13, 2009, Defendant Barbara Rejon filed a public
9 records request with Plaintiff's Superintendent Toni Wayas for:

10 a) A copy of "any report, letter, notes, or any other documentation" from the
11 meetings of P.L. with the school counselor or "the name, the address, and telephone number" of
12 the counselor.

13 b) Copies of "all school information such as newsletters, progress reports,
14 report cards, school events, and anything else pertaining to P.L. while she is attending C.E.S."

15 c) A written statement to address "if this request is denied for any reason
16 please send, in writing, the reason for such denial."
17

18 92. In a third letter dated March 13, 2009, Defendant Barbara Rejon filed a public
19 records request with Plaintiff's Superintendent Toni Wayas for:

20 a) A copy of "any report, letter, notes, or any other documentation" from the
21 meetings of P.L. with the school counselor or "the name, the address, and telephone number" of
22 the counselor.

23 b) Copies of "all school information such as newsletters, progress reports,
24 report cards, school events, and anything else pertaining to P.L. while she is attending C.E.S."
25

26 93. Defendant Barbara Rejon filed a public records request form, dated March 26,

1 2009, with Plaintiff's Superintendent Toni Wayas asking for:

- 2 a) "Copies of school daily attendance records."
3 b) "Copies of school disciplinary records."
4 c) "View P.L. cumulative file and medical file."
5

6 94. In a letter dated March 26, 2009, Defendant Barbara Rejon filed a public records
7 request with Plaintiff's Superintendent Toni Wayas for "the schools daily attendance records from
8 2001 (or as far back as you are required to have kept them by law) through 2009. This would be
9 the attendance records for the school not individual student records."

10 95. In a second letter dated March 26, 2009, Defendant Barbara Rejon filed a public
11 records request with Plaintiff's Superintendent Toni Wayas for "school disciplinary records, to
12 include referrals, in school suspensions, out of school suspensions, expulsions, incidences of
13 bullying, and any other infractions that are required to be tracked by all schools from 2001 (or as
14 far back as you are required to have kept them by law) through 2009. Again this would only be the
15 schools record as a whole, not individual student records."
16

17 96. Defendant Barbara Rejon filed a public records request form, dated April 9, 2009,
18 with Plaintiff's Superintendent Toni Wayas asking to "view attendance records for P.L."

19 97. In a letter dated April 9, 2009, Defendant Barbara Rejon filed a public records
20 request with Plaintiff's Superintendent Toni Wayas for:

- 21 a) "Discipline records for the school as a WHOLE."
22 b) "Amounts of referrals given out for the school for each year – the whole
23 school NOT individual records."
24 c) "Amount of in school suspensions for each year – the whole school NOT
25 individual records."
26

1 d) "Amount of out of school suspensions and amount of days given for, for
2 each year – the whole school NOT individual records."

3 e) "Amount of expulsions per year – the whole school NOT individual
4 records."

5 f) "Amount of bullying incidences – the whole school NOT individual
6 records."

7 g) "Amount of dress code violations – the whole school NOT individual
8 records."

9 h) Documentation demonstrating "any other infractions tracked by the school."
10

11 98. In a second letter dated April 9, 2009, Defendant Barbara Rejon filed a public
12 records request with Plaintiff's Superintendent Toni Wayas for:

13 a) "Attendance records for the school as a WHOLE."
14

15 b) "Absence rate for the school for each year – the whole school NOT
16 individual records."

17 c) "How many withdrawals (with codes) for each year – the whole school NOT
18 individual records."

19 99. In a letter dated April 12, 2009, Defendant Barbara Rejon filed a request with
20 Plaintiff's Superintendent Toni Wayas for:

21 a) A copy of the instructions left at the school by Dwayne Langley "regarding
22 custody/schedule of our daughter P.L."
23

24 b) A copy of the custody schedule for P.L. that the school is following.

25 c) A written explanation of why "you have been following a nonexistent
26 schedule and how the decision to do so was made" should no documentation of a custody schedule

1 for P.L. exist.

2 100. In a letter dated April 14, 2009, Defendant Barbara Rejon filed a public records
3 request with Plaintiff's Superintendent Toni Wayas to view "test results (Terra Nova & AIMS and
4 any other tests she may have taken that are kept on file) for P.L."

5
6 101. In a letter received April 17, 2009, Defendant Barbara Rejon filed a request with
7 Plaintiff Congress for an explanation of the \$50.00 deduction from her student's student lunch
8 account.

9 102. In a letter dated April 29, 2009, Defendant Barbara Rejon requested Plaintiff's
10 Superintendent Toni Wayas place the "Dress Code Policy" and the "Parental Satisfaction Survey"
11 on the "next board meeting agenda for discussion." Defendant Barbara Rejon also demanded
12 Mrs. Wayas "respond in writing if these items will not be presented to the board for
13 consideration/placement on the next board meeting agenda (May 13, 2009) with the reasons why
14 they won't be."
15

16 103. In a second letter dated April 29, 2009, Defendant Barbara Rejon filed a public
17 records request with Plaintiff's Superintendent Toni Wayas for:

18 a) A list of "ALL types of records the school maintains on my daughter P.L.,
19 and the locations where they are stored."

20 b) "All graphs and charts you have compiled and put together on my daughter
21 P.L."

22 c) "Any of these charts and graphs that may be of a more generic nature -- for
23 the school/classrooms as a whole, NOT INDIVIDUAL STUDENT RECORDS."
24

25 104. In a third letter dated April 29, 2009, Defendant Barbara Rejon filed a request with
26 Plaintiff's Superintendent Toni Wayas for:

1 a) A written account of any instructions left by Dwayne Langley with
2 Mrs. Workman concerning P.L.

3 b) A written account of what the custody schedule left by Dwayne Langley is.

4 c) A written explanation of “why Mrs. Workman would tell my daughter it’s
5 ‘not my day’ if there are no written instructions or schedule?”
6

7 d) A written explanation of “why do board members and teachers claim to
8 know (and act on) what my schedule with P.L. is?”

9 e) A written explanation of “how was it decided and who made the decision as
10 to which days are mine and which ones are not?”

11 105. In a letter dated May 4, 2009, Defendant Barbara Rejon filed a request with Plaintiff
12 Congress’ employee Patsy Workman, a 4th Grade Teacher, for:
13

14 a) A written explanation of why Mrs. Workman believed it was not Defendant
15 Barbara Rejon’s day for custody when she instructed P.L. to call her father Dwayne Langley.

16 b) A written explanation of how Mrs. Workman knows what days are
17 Defendant Barbara Rejon’s custody days of P.L.

18 c) A written explanation of how Mrs. Workman knows what days are
19 Defendant Barbara Rejon’s custody days of P.L.

20 d) A written explanation of if Dwayne Langley left custody instructions with
21 Mrs. Workman concerning P.L.

22 e) A written account of any instructions left by Dwayne Langley with
23 Mrs. Workman concerning P.L.
24

25 f) A written account of any instructions left by any person with Mrs. Workman
26 concerning P.L.

1 106. In a letter dated May 5, 2009, Defendant Barbara Rejon filed a request with
2 Plaintiff's Superintendent Toni Wayas for:

- 3 a) A written explanation of what a "permanent record card" is.
4 b) A written explanation of whether or not a permanent record card is different
5 from the accumulative file.
6 c) A written explanation of "why weren't there any attendance records or test
7 scores in my daughter's accumulative file?"
8

9 107. Defendant Barbara Rejon filed a public records request form with Plaintiff
10 Congress on May 8, 2009, asking for the production of her student's "attendance records."

11 108. In a letter dated May 13, 2009, Defendant Barbara Rejon filed a request with
12 Plaintiff Congress' Board member James Thompson for a written response to demonstrate:

- 13 a) How Mr. Thompson came to the understanding that Defendant Barbara
14 Rejon and her ex-husband Dwayne Langley shared custody and the details of that arrangement.
15 b) If Mr. Thompson was in the school building when Defendant Barbara
16 Rejon's ex-husband Dwayne Langley gave instructions that Defendant Barbara Rejon only had
17 custody of P.L. on Wednesdays and Saturdays.
18 c) If Dwayne Langley gave instructions directly to Mr. Thompson or if the
19 instructions were relayed to Mr. Thompson through another Plaintiff Congress employee.
20

21 109. Defendant Barbara Rejon filed a public records request form with Plaintiff
22 Congress on May 21, 2009, asking for the production of:

- 23 a) The "revised budget copy."
24 b) A "copy of the yearbook receipt."
25

26 110. In a letter dated June 10, 2009, Defendant Barbara Rejon filed a request with

1 Plaintiff Congress' Board members to place numerous items relating to the Open Meeting Law on
2 the next Plaintiff Congress' Board meeting agenda.

3
4 111. In a letter received on September 14, 2009, Defendant Barbara Rejon filed a request
5 with Plaintiff Congress for an \$18.00 credit to her daughter P.L.'s student lunch account.

6 112. In a letter dated September 23, 2009, Defendant Barbara Rejon filed a request with
7 Plaintiff Congress for:

8 a) The "date the other students check was credited to [P.L.'s] account", a
9 dispute over student lunch accounts.

10 b) A change to be made to "the explanation you put in the transaction
11 type/detail field" as Defendant Barbara Rejon felt the description entered "seems as though I
12 simply demanded that \$18.00 be credited to her account without a valid reason."
13

14 113. In a letter hand delivered to Plaintiff Congress' Board dated June 17, 2009,
15 Defendant Barbara Rejon requested an opportunity to speak at the next Board meeting concerning
16 the current dress code and filed a public records request with Plaintiff Congress for:

17 a) The signed "form B-2831 BGE-E or whatever change memorandum (signed
18 by the issuer), listing the codes, date and pages to be updated, that was issued to notify you, the
19 board members of the change per B-2811 BGE-R."

20 b) Documentation demonstrating "why changes are being made without
21 following the proper procedure" if no such documentation exists.

22
23 114. In a letter dated October 8, 2009, Defendant Barbara Rejon again filed a request
24 with Plaintiff Congress for:

25 a) The "date the other students check was credited to P.L.'s account",
26 referencing a dispute over student lunch accounts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

b) A change to be made to “the explanation you put in the transaction type/detail field” as Defendant Barbara Rejon felt the description entered “seems as though I simply demanded that \$18.00 be credited to her account without a valid reason.”

115. Defendant Barbara Rejon delivered two verbal public records requests to Plaintiff’s Superintendent Toni Wayas on October 8, 2009 asking for:

a) The Revised Budget adopted at the October 7, 2009 Plaintiff Congress Board Meeting.

b) A “copy of the request forms to speak to the School board.”

116. Defendant Barbara Rejon acted in conjunction with Defendant Jean Warren to harass and create a nuisance for Plaintiff Congress.

E. Complaints filed by the Defendants

117. On January 16, 2003, Plaintiff Congress received a letter detailing complaints about alleged unsafe operation of a school bus by an employee of Plaintiff from the Commercial Vehicle Enforcement Bureau, Highway Patrol Division of the Arizona Department of Public Safety. The letter did not disclose the name of the complainant, however the driver alleged to have driven unsafely was operating on a route servicing Defendant Jean Warren’s home.

118. On July 11, 2007, Defendant Cyndi Regis filed a complaint with the Arizona Ombudsman, Complaint # 701937, concerning the record keeping at Plaintiff Board meetings.

119. On July 11, 2007, Defendant Cyndi Regis filed a complaint with the Arizona Ombudsman, Complaint # 701941, concerning public notice of Plaintiff Board meetings.

120. On August 9, 2007, Defendant Cyndi Regis and Defendant Barbara Rejon jointly filed a complaint with the Arizona Ombudsman, Complaint # 702194, concerning the public’s

1 right to speak at Plaintiff Board meetings.

2 121. On August 28, 2007, Defendant Cyndi Regis filed a complaint with the Arizona
3 Ombudsman, Complaint # 702362, concerning the required notice of a Plaintiff Board special
4 meeting.
5

6 122. On September 21, 2007, Defendant Cyndi Regis filed a complaint with the Arizona
7 Ombudsman, Complaint # 702544, concerning Board Member conduct after Plaintiff Board
8 meetings, the limitations on calls to the public, and the open meeting law as applied to parent
9 teacher organizations.

10 123. On December 17, 2007, Defendant Barbara Rejon filed a complaint with the
11 Arizona Ombudsman, Complaint # 703281, to express dissatisfaction with the Arizona Attorney
12 General's Open Meeting Law Enforcement Team's findings regarding a complaint filed against the
13 Plaintiff in which the Plaintiff was exonerated.
14

15 124. On December 19, 2007, Defendant Cyndi Regis filed a complaint with the Arizona
16 Ombudsman, Complaint # 703310, concerning violations of the open meeting law she alleged
17 occurred at Plaintiff Board meetings.

18 125. On December 11, 2008, Defendant Jean Warren filed a complaint with the Arizona
19 Ombudsman, Complaint # 804148, against the Plaintiff.

20 126. On November 26, 2008, Defendant Jean Warren filed a complaint with the Arizona
21 Ombudsman, Complaint # 803973, against the Plaintiff.
22

23 127. On December 16, 2008, Defendant Cyndi Regis filed a complaint with the Arizona
24 Ombudsman, Complaint # 804184, against the Plaintiff.

25 128. On January 9, 2009, Defendant Cyndi Regis filed a complaint with the Arizona
26 Ombudsman, Complaint #900199, against the Plaintiff.

1 129. On February 20, 2009, Defendant Jean Warren filed a complaint with the Arizona
2 Ombudsman, Complaint # 900680, against the Plaintiff.

3 130. On March 12, 2009, Defendants Jean Warren, Cyndi Regis, and Barbara Rejon
4 jointly filed a complaint with the Arizona Ombudsman, Complaint # 901017, against the Plaintiff.
5 This complaint included twelve (12) separate allegations, which are as follows:
6

7 a) Plaintiff “failed to promptly respond to requests for documentation related to
8 the sale of school computers sold during calendar year 2008.”

9 b) Plaintiff “failed to make original receipts for school computers sold in 2008
10 available for inspection.”

11 c) Plaintiff “failed to make original receipts for repairs made to air
12 conditioning units during calendar year 2008 available for inspection.”

13 d) Plaintiff “failed to make original receipts for the purchase and installation of
14 new air conditioning units during calendar year 2008 available for inspection.”

15 e) Plaintiff “failed to make the original uniform questionnaires distributed in
16 April 2007 available for inspection.”

17 f) Plaintiff “failed to make the original uniform surveys sent out in May of
18 2007 available for inspection.”

19 g) Plaintiff “inappropriately redacted the content of comments from uniform
20 survey cards prior to disclosure.”

21 h) Plaintiff “inappropriately charged for inspection of redacted uniform
22 surveys.”

23 i) Plaintiff “failed to promptly respond to Ms. Rejon’s request for
24 documentation related to her daughter’s counseling session(s).”
25
26

1 j) Plaintiff “failed to promptly respond to request for school counselor’s
2 contact information.”

3 k) Plaintiff “failed to provide Ms. Regis access to all of her son’s school
4 records.”

5 l) Plaintiff’s “responses to public record requests are inconsistent.”

6
7 131. On June 30, 2009, Defendant Jean Warren filed a complaint with the Arizona
8 Ombudsman, Complaint # 902260, against the Plaintiff concerning the production of stewardship
9 lists.

10 132. On July 16, 2009, Defendant Jean Warren filed a complaint with the Arizona
11 Ombudsman, Complaint # 902445, against the Plaintiff.

12 133. On August 26, 2009, Defendant Barbara Rejon filed a complaint with the Arizona
13 Ombudsman, Complaint # 902924, against the Plaintiff.

14 134. Defendant Jean Warren filed a complaint with the State Fire Marshal in September
15 of 2009.

16
17 135. Defendants Jean Warren, Jennifer Renee Hoge, Cyndi Regis, and Barbara Rejon
18 have all referenced open meeting law complaints filed against the Plaintiff with the Attorney
19 General in various communications with the Plaintiff and other administrative offices. To date
20 there have been more than five (5) open meeting law complaints filed against the Plaintiff in which
21 the complainant’s name was not disclosed.

22
23 **COUNT ONE: DECLARATORY JUDGMENT**

24 136. Plaintiff realleges each and every allegation set forth above in Paragraphs 1 through
25 135 as though fully set forth at length herein.

26 137. Plaintiff is entitled to a Declaratory Judgment pursuant to A.R.S. §§12-1831 - 12-

1 1846, for the purpose of determining a question in actual controversy between the parties as
2 hereinafter more fully appears.

3 138. As a result of the requests for public records submitted by the Defendants to the
4 Plaintiff herein, the Plaintiff has provided access to the Defendants herein to over One Hundred
5 Thousand (100,000) pages of documents.
6

7 139. The numerous, voluminous requests by the Defendants herein for the right to
8 examine and/or copy the records of the Plaintiff constitute harassment, vexatious conduct and an
9 abuse of the rights afforded by law for the inspection and copying of such records.

10 140. The further disclosure of any such records by the Plaintiff to any of the Defendants,
11 or the further honoring of any requests by the Defendants herein of the right to examine or copy
12 any such records is not in the best interests of the State.
13

14 141. The further disclosure of any such records by the Plaintiff to the Defendants, or
15 either of them, would lead to continued substantial and irreparable public and/or private harm.

16 142. A controversy exists between the parties concerning the validity and enforceability
17 of the Defendants' public records requests and Defendants' right to examine and/or copy said
18 public records pursuant to A.R.S. §§39-121.01 through 39-121.02 as follows:

19 (a) Plaintiff contends that the Defendants' public records requests are malicious,
20 vexatious and unreasonable, initiated for the purpose of harassing Plaintiff, and that compliance
21 with such requests would be contrary to the best interests of the State; therefore, Plaintiff contends
22 that Defendants are not entitled to any additional disclosure of public records from Plaintiff.
23

24 (b) Defendants may contend that they are absolutely entitled to the public
25 records which they have requested of Plaintiff pursuant to A.R.S. §§39-121.01 through 39-121.02.

26 143. By reason of the foregoing, a declaration of the rights of the parties is both

MANGUM, WALL, STOOPS & WARDEN, P. L. L. C.
ATTORNEYS AT LAW
100 NORTH ELDEN STREET
P. O. BOX 10
FLAGSTAFF, ARIZONA 86002
(928) 779-6951

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

necessary and proper in order to set forth the rights, obligations and liabilities that exist among the parties pursuant to A.R.S. §§39-121 - 39-121.02.

144. Plaintiff has no adequate remedy at law or otherwise for the harm or damage done and threatened to be done by Defendants unreasonable, malicious, and vexatious public records requests.

145. Plaintiff will suffer irreparable harm, damage and injury unless the acts and conduct of Defendants described above are prohibited and enjoined.

COUNT TWO HARASSMENT

146. Plaintiff realleges each and every allegation set forth above in Paragraphs I through 145 as though fully set forth at length herein.

147. The acts of the Defendants which are set forth above, including (1) the complaints and (2) the public records requests, were committed with the intent to seriously harm, intimidate, annoy and harass Plaintiff and its agents, servants, officers, and employees, and such acts have seriously harmed, intimidated, annoyed and harassed Plaintiff and its agents, servants, officers, and employees.

148. Plaintiff has suffered damages and substantial and irreparable harm as a direct result of the Defendants' conduct.

149. The aforesaid actions of the Defendants, and each of them, including the administrative charges and the public records requests, constitute a knowing, willful, vexatious, malicious course of conduct directed specifically against Plaintiff and its agents, servants, officers, and employees, which seriously alarms, intimidates, annoys and harasses the Plaintiff and its agents, servants, officers, and employees, and which serves no legitimate purpose. The course of conduct of the Defendants, and each of them, has in fact seriously alarmed, annoyed, or harassed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

the agents, servants, officers and employees of the Plaintiff.

150. The aforesaid conduct of the Defendants, and each of them, constitute harassment as defined in Section 12-1809 of the Arizona Revised Statutes.

151. Plaintiff has no adequate remedy at law or otherwise for the harm and damage done and threatened to be done by Defendants.

152. Plaintiff will suffer irreparable harm, damage and injury unless the acts and conduct of Defendants described above are enjoined.

COUNT THREE NUISANCE

153. Plaintiff realleges each and every allegation set forth above in Paragraphs I through 152 as though fully set forth at length herein.

154. The aforesaid conduct of the Defendants, and each of them, has severely obstructed Plaintiff in the performance of its public duties.

155. As a direct and proximate result of Defendants' acts mentioned above, Plaintiff has incurred unnecessary and unreasonable expenses in defending against the administrative charges and complaints of the Defendants, in dealing with the administrative claims from the Defendants, and in attempting to comply with the public record requests of the Defendants.

156. Plaintiff has suffered damages as a result of Defendants' acts above mentioned in an amount which will be established at the trial herein.

157. The aforesaid conduct of the Defendants constitutes a nuisance.

158. Plaintiff has no adequate remedy at law or otherwise for the injury and damages caused by Defendants' acts.

159. Plaintiff has suffered and will continue to suffer irreparable injury and damages

1 unless the acts of Defendants above complained of are enjoined.

2 **WHEREFORE**, Plaintiff prays for relief against the Defendants, and each of them, as
3 follows:

4 1. For a Judgment declaring that Plaintiff is not obligated to provide the Defendants,
5 either personally, or through their agents, servants, or employees, with access to or the right to
6 examine or copy any additional public records which they, or any of them, has or have requested
7 of Plaintiff, or any of its agents, servants, officers or employees, or which the Defendants, or any
8 of them, may request of Plaintiff in the future, either personally or through their agents, servants or
9 employees, without first obtaining leave of this Court;

10 2. For an Injunction permanently restraining and enjoining the Defendants, and each
11 of them, both personally and through their agents, servants and employees, from making any
12 additional public records requests of Plaintiff, its agents, servants, officers, and/or employees
13 pursuant to A.R.S. §39-121, *et seq.*, or any other applicable state, federal or municipal law,
14 statutes, or other asserted right without first obtaining leave of this Court;

15 3. For a Preliminary Injunction temporarily restraining and enjoining the Defendants,
16 both personally and through their agents, servants, and employees from making any additional
17 public records requests of Plaintiff, its agents, servants, officers and/or employees pursuant to
18 A.R.S. §39-121, *et seq.*, or any other applicable state, federal or municipal law, statutes, or other
19 asserted right without first obtaining leave of this Court;

20 4. For an Injunction permanently restraining and enjoining the Defendants, and each
21 of them, from filing any additional claims, charges or lawsuits in or before any court,
22 administrative agency or other forum whatsoever against Plaintiff and/or any of its agents,
23 servants, officers or employees without first obtaining leave of this Court;

MANGUM, WALL, STOOPS & WARDEN, P.L.L.C.
ATTORNEYS AT LAW
100 NORTH ELDEN STREET
P. O. BOX 10
FLAGSTAFF, ARIZONA 86002
(928) 779-6951

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

5. For a Preliminary Injunction temporarily restraining and enjoining the Defendants, and each of them, from filing any additional claims, charges or lawsuits in or before any court, administrative agency or other forum whatsoever against Plaintiff and/or any of its agents, servants, officers or employees without first obtaining leave of this Court;

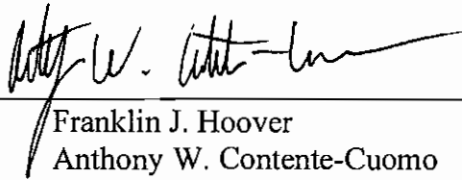
6. For a Judgment awarding Plaintiff its reasonable attorney's fees and costs pursuant to A.R.S. §12-1809(N);

7. For Plaintiff's costs and expenses incurred in this action;

8. For such other and further relief as to the Court seems just and proper.

RESPECTFULLY SUBMITTED this 24 day of March, 2010.

MANGUM, WALL, STOOPS & WARDEN, P.L.L.C.



Franklin J. Hoover
Anthony W. Contente-Cuomo
Attorneys for Plaintiff

VERIFICATION

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

TONI WAYAS, being first duly sworn, upon her oath, deposes and says:

That she is the Superintendent of Plaintiff Congress Elementary School District No. 17 of Yavapai County, in the foregoing action, and makes this Verification being thereunto duly authorized; that she has read the foregoing Amended Verified Complaint for Declaratory and Injunctive Relief, knows the contents thereof, and that it is true of her own knowledge, except the matters stated therein on information and belief, and that as to those matters, she believes them to be true.

Toni Wayas

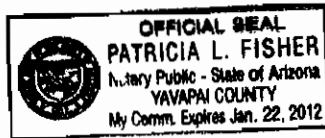
TONI WAYAS

SUBSCRIBED AND SWORN to before me this 13th day of March,
2010, by Toni Wayas.

Patricia L Fisher

Notary Public

My Commission Expires:



1-22-2012