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7 IN AND FOR THE SUPERIOR COURT
8 COCHISE COUNTY ARIZONA

9 ELI DALTON-WEBB,
10 Plaintiff,

11 vs.

12 CITY OF SIERRA VISTA, an Arizona
13 political subdivision,
14 Defendants.

CASE NO. CV202500919

**RESPONSE TO MOTION FOR
DISCOVERY**

15 Defendant, the City of Sierra Vista, by and through undersigned counsel hereby
16 responds to the Plaintiff's Motion for Discovery and requests that the same be denied. This
17 Response is supported by the following Memorandum of Points and Authorities.

Memorandum of Points and Authorities

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19 Discovery is not routinely permitted in special actions and is generally only
20 authorized where the special action raises a material issue of fact. See Rule 7(g), A. R. S.
21 Special Actions, Rules of Proc. If the matter raises a material issue of fact, the court may
22 issue special orders regarding the discovery needed to resolve the issue of fact. *Id.*
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1 In this case, the only issue raised in the Plaintiff's Complaint for Special Action is
2 whether the City failed to respond "promptly" to his public records request, thereby
3 denying his request. The discovery requested does not address this issue.

4 As this Court has been made aware, the records requested by the Plaintiff have been
5 available to him for nearly three months and were offered to him within a few weeks of his
6 initial request, subject only to his payment of relevant fees. Plaintiff has also been made
7 aware that he is free to review the records at any time at no cost. Plaintiff's records request
8 has in no way been denied. He simply refuses to pay the relevant fees.

9 Plaintiff's requested "discovery" is nothing more than an end run around his
10 obligation to pay those fees and does nothing to address his claim of denial. Giving him
11 an opportunity to review redactions or determine if all requested records have been
12 compiled does not resolve whether he was denied access. The requested discovery is
13 unnecessary and inappropriate.

14 WHEREFORE, the Defendant respectfully requests that the Plaintiff's Motion for
15 Discovery be denied.

16 **DATED** this 26th day of March, 2026.

17 CITY OF SIERRA VISTA

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20 Nathan J. Williams
21 City Attorney
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