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18 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
19
20 IN AND FOR THE COUNTY OF MARICOPA

21 American Civil Liberties Union of Arizona
22 and Sean Holstege,

23 Plaintiffs,

24 v.

25 William Montgomery, in his official capacity
26 as Maricopa County Attorney and Maricopa
27 County Attorney's Office,

28 Defendants.

NO. CV2019-007636

ORDER RE: PARTIES'
STIPULATED MOTION FOR
ENTRY OF ORDER
EFFECTUATING PARTIAL
SETTLEMENT

(Honorable James D. Smith)

Having considered the Parties' Stipulated Motion for Entry of Order Effectuating
Partial Settlement, and good cause appearing therefor, it is ORDERED:

1 (1) GRANTING Plaintiffs’ Motion for Ruling on Timeliness filed November 4,
2 2019 and ENTERING PARTIAL JUDGMENT in favor of Plaintiffs on the issue
3 of Defendants’ failure to make prompt response to Plaintiffs’ public records
4 request dated October 16, 2018 (“Holstege PRR”), attached as Exhibit A to the
5 Complaint, (“Pre-Litigation Promptness Claim”). Defendants waive and release
6 any right to appeal the entry of Partial Judgment in favor of Plaintiffs on the Pre-
7 Litigation Promptness Claim;
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10 (2) AWARDING to Plaintiffs the total sum of \$24,000.00 to be paid by Defendants
11 for any and all stipulated and alleged damages, losses, expenses, fees, and costs
12 (“Stipulated Sum”) arising out of the Holstege PRR and/or this lawsuit. Each
13 Party shall bear any and all alleged damages, losses, expenses, fees, and costs in
14 excess of the Stipulated Sum, regardless when, in what proceeding, or under
15 what circumstance such alleged damages, losses, expenses, fees, and costs are
16 incurred;
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19 (3) DISMISSING with prejudice any and all additional issues, claims, or requests
20 for relief arising out of the Holstege PRR and/or this lawsuit, including any and
21 all claims or requests for any and all alleged damages, losses, expenses, fees,
22 and costs in excess of the Stipulated Sum (“Released Claims”), with the sole
23 exception of Plaintiffs’ request for public disclosure of certain MCAO Capital
24 Review Committee Vote Records which were the subject of the Holstege PRR
25 and this lawsuit, and Defendants’ rights, claims, defenses, privileges and
26 objections in relation to those same MCAO Capital Review Committee Vote
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1 Records (these excluded claims collectively, "Excluded Claims"). As to the
2 Excluded Claims, Plaintiffs release and waive any and all claims or requests for
3 alleged monetary damages, losses, expenses, fees, and costs in excess of the
4 Stipulated Sum, regardless when, in what proceeding, or under what
5 circumstance such alleged damages, losses, expenses, fees, and costs may be
6 incurred. Other than Plaintiffs' release and waiver identified in the immediately
7 preceding sentence of this sub-paragraph, no Party is releasing or waiving
8 his/her/its rights, claims, defenses, privileges, or objections, including rights to
9 petition for special action and rights to appeal, regarding the Excluded Claims.
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Filing ID: 11903159 Case Number: CV2019-007636
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Granted with Modifications



/S/ James Smith Date: 8/13/2020
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2019-007636

SIGNATURE DATE: 8/13/2020

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FILED DATE: 8/14/2020 8:00:00 AM

ANN THOMPSON UGLIETTA

JARED G KEENAN