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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

LISA BOROWSKY,

Plaintiff,

vs.

MARICOPA COUNTY ATTORNEY
RACHEL MITCHELL,

Defendant.

No. CV2025-013199

**MARICOPA COUNTY ATTORNEY
RACHEL MITCHELL'S ANSWER TO
PLAINTIFF'S AMENDED COMPLAINT
FOR STATUTORY SPECIAL ACTION TO
SECURE ACCESS TO PUBLIC RECORDS
AND REQUEST FOR FEES AND
APPLICATION FOR ORDER TO SHOW
CAUSE**

(The Honorable Adam Driggs)

Defendant Maricopa County Attorney Rachel Mitchell ("Defendant") answers Plaintiff's Complaint as follows.

DEFENDANT'S GENERAL DENIAL

Every allegation in the Complaint that is not specifically admitted in this Answer is denied.

1 **PARTIES**

- 2 1. Defendant admits the allegations in Paragraph 1.
3 2. Defendant admits the allegations in Paragraph 2.
4 3. Defendant admits that she is an officer within the meaning of A.R.S. Section
5 39-121.01(A)(1).
6 4. Defendant admits the allegation in Paragraph 4.

7 **JURISDICTION AND VENUE**

- 8 5. Defendant admits the allegations in Paragraph 5.
9 6. Defendant admits the allegations in Paragraph 6.
10 7. Defendant admits the allegation in Paragraph 7.

11 **GENERAL ALLEGATIONS**

12 8. The allegations in Paragraph 8 are not directed at Defendant and so no
13 response is required. To the extent a response is required, Defendant admits that Plaintiff
14 accurately quotes A.R.S. Section 39-121.02(A) and that A.R.S. Section 39-121.01(E) states
15 that a public records request is considered denied if the custodian of records fails to promptly
16 respond to the request.

17 **FACTS**

18 9. Defendant admits the allegations in Paragraph 9, except that Defendant
19 asserts that Plaintiff's public records request was submitted on March 27, 2025, because that
20 is the date the request was received by Defendant's custodian of records.

21 10. Defendant admits the allegation in Paragraph 10.

22 11. Defendant admits the allegation that she has yet to produce disclosable public
23 records responsive to Plaintiff's public records request but denies that she has failed to
24 respond in a timely manner. Defendant denies any other allegations in Paragraph 11.

25 **COUNT ONE**

26 **(Violation of A.R.S. §§ 39-121, *et seq.*)**

27 12. Defendant incorporates by reference each of her preceding admissions,
28 denials, and affirmative statements as if fully set forth therein.

1 13. The allegation in Paragraph 13 is not directed at Defendant and so no response
2 is required. To the extent a response is required, Defendant admits that Plaintiff has
3 accurately quoted A.R.S. Section 39-121.

4 14. Defendant admits that there are public records responsive to Plaintiff's public
5 records request.

6 15. Defendant denies the allegations in Paragraph 15.

7 16. Defendant denies the allegations in Paragraph 16.

8 17. Defendant denies the allegations in Paragraph 17.

9 **APPLICATION AND ORDER TO SHOW CAUSE**

10 18. Defendant denies that she is prohibited by law from withholding, wholly or
11 partially, the public records Plaintiff seeks.

12 **PLAINTIFF'S PRAYER FOR RELIEF**

13 19. Defendant denies that Plaintiff is entitled to any of her requested relief.

14 **AFFIRMATIVE DEFENSES**

15 1. Defendant asserts the following affirmative defenses and reserves the right to
16 raise any other affirmative defenses not specifically set forth herein should facts be
17 discovered during this case that would support any such defenses.

18 2. Plaintiff has failed to state a claim upon which relief may be granted.

19 3. The records Plaintiff seeks are subject to exceptions to disclosure under public
20 records law and so Defendant has no duty to produce them. *See, e.g., Carlson v. Pima*
21 *Cnty.*, 141 Ariz. 487, 490, 687 P.2d 1242 (1984) (holding that "important public policy
22 considerations relating to protection of either the confidentiality of information, privacy of
23 persons or a concern about disclosure detrimental to the best interests of the state" can
24 overcome the presumption of disclosure for public records).

25 4. Defendant alleges that she has not failed to promptly respond to Plaintiff's
26 public records request.

27 5. Defendant reserves the right to assert additional affirmative defenses as
28 additional facts are discovered.

1 **DEFENDANT’S PRAYER FOR RELIEF**

2 Defendant prays for the following relief:

3 A. That the Court dismiss Plaintiff’s Complaint.

4 B. That judgment be entered in favor of Defendant and against Plaintiff on
5 Plaintiff’s Amended Complaint.

6 C. That Defendant be awarded her reasonable attorneys’ fees and costs under
7 any applicable statute, rule, or equitable doctrine; and

8 D. For any and all other and further relief as the Court deems appropriate.

9 **RESPECTFULLY SUBMITTED** this 6th day of May 2025.

10 RACHEL H. MITCHELL
11 MARICOPA COUNTY ATTORNEY

12 BY: /s/Brian T. Irvine
13 COURTNEY R. GLYNN
14 BRIAN T. IRVINE
15 Deputy County Attorneys
 Attorneys for Maricopa County Attorney
 Rachel Mitchell

16 ORIGINAL of the foregoing E-FILED
17 this 6th day of May 2025 with
18 AZTURBOCOURT, and copies e-served / emailed to:

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