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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

**AMERICAN OVERSIGHT,**

**Plaintiff,**

**vs.**

**KAREN FANN, ET AL,**

**Defendants.**

**PHOENIX NEWSPAPERS, INC., ET AL,**

**Plaintiffs,**

**vs.**

**ARIZONA STATE SENATE, ET AL.,**

**Defendants, and**

**CYBER NINJAS, INC.,**

**Real Party in Interest.**

**Case No.: CV2021-008265  
LC2021-000180-001  
(Consolidated)**

**CYBER NINJAS INC.'S ANSWER  
TO PLAINTIFF'S SECOND  
AMENDED COMPLAINT**

**(Assigned to the Hon. Michael W. Kemp)**

...

...

1 Pursuant to Arizona Rules of Civil Procedure 8 and 12(a)(2)(A), Real Party in Interest  
2 Cyber Ninjas, Inc. (“CNI”), by and through undersigned counsel, hereby answer the Plaintiff  
3 American Oversight’s Second Amended Special Action Complaint (the “**Complaint**”) as follows:

4 The first six paragraphs of the Complaint are prolix and not numbered in violation of Ariz.  
5 R. Civ. P. 8 and 10. Although no response is necessary, to the extent one is required, CNI denies  
6 the allegations in the first six paragraphs of the Complaint.

7 1. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations of Paragraph 1 of the Complaint and therefore denies the same.

9 2. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations of Paragraph 2 of the Complaint and therefore denies the same.

11 3. CNI admits that it has a contractual agreement with Arizona Senate regarding a  
12 certain audit. Defendant lacks knowledge or information sufficient to form a belief as to the truth  
13 of the remaining allegations of Paragraph 3 of the Complaint and therefore denies the same.

14 4. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
15 allegations of Paragraph 4 of the Complaint and therefore denies the same.

16 5. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
17 allegations of Paragraph 5 of the Complaint and therefore denies the same.

18 6. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
19 allegations of Paragraph 6 of the Complaint and therefore denies the same.

20 7. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
21 allegations of Paragraph 7 of the Complaint and therefore denies the same.

22 8. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
23 allegations of Paragraph 8 of the Complaint and therefore denies the same.

24 9. CNI admits that on July 15, 2021, the Court entered a Minute Entry which stated,  
25 “CNI [Cyber Ninjas] and the subvendors are clearly agents of the Senate Defendants.” CNI denies  
26 the remaining allegations in Paragraph 9 of the Complaint.

27 10. CNI denies the allegations in Paragraph 10 of the Complaint.

28 11. CNI admits the allegations in Paragraph 11 of the Complaint.

1 12. CNI admits the allegations in Paragraph 12 of the Complaint.

2 13. Paragraph 13 of the Complaint states a legal conclusion to which no response is  
3 required. To the extent a response is deemed necessary, CNI answer that the Court already “set a  
4 speedy return date” in its order granting the Plaintiff’s Second Application for an Order to Show  
5 Cause. CNI deny any remaining allegations in Paragraph 13 of the Complaint.

6 14. CNI admits the allegations in Paragraph 14 of the Complaint.

7 15. The allegations in Paragraph 15 of the Complaint are not relevant to any claims or  
8 defenses in this matter. Subject to the foregoing, CNI admits the allegations in Paragraph 15 of  
9 the Complaint.

10 16. The allegations in Paragraph 16 of the Complaint are not relevant to any claims or  
11 defenses in this matter. Subject to the foregoing, lacks knowledge or information sufficient to  
12 form a belief as to the truth of the allegations of Paragraph 16 of the Complaint and therefore  
13 denies the same.

14 17. CNI admits that the hand count in Maricopa County of less than a quarter of a  
15 percentage—24%—of the total ballots cast in the county did not show any discrepancies from the  
16 certified election results. CNI denies the claim that the “audits” of the tabulation machines and  
17 software, confirmed the election results were accurate. These “audits” did not review any election  
18 results. CNI states that any “audits” allegedly conducted by non-party Maricopa County are not  
19 relevant to any claim or defense in this proceeding, which arises solely under the Arizona Public  
20 Records Act (“PRL”). CNI deny any remaining allegations in paragraph 17 of the Complaint.

21 18. The allegations in Paragraph 18 are not relevant to any claims or defenses in this  
22 matter. Subject to the foregoing, CNI lacks knowledge or information sufficient to form a belief  
23 as to the truth of the allegations of Paragraph 18 of the Complaint and therefore denies the same.

24 19. The allegations in Paragraph 19 are not relevant to any claims or defenses in this  
25 matter and are prolix. Subject to the foregoing, CNI lacks knowledge or information sufficient to  
26 form a belief as to the truth of the allegations of Paragraph 19 of the Complaint and therefore  
27 denies the same.

1           20.     The allegations in Paragraph 20 are prolix and not relevant to any claims or defenses  
2 in this matter. Subject to the foregoing, CNI lacks knowledge or information sufficient to form a  
3 belief as to the truth of the allegations of Paragraph 20 of the Complaint and therefore denies the  
4 same.

5           21.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
6 allegations of Paragraph 21 of the Complaint and therefore denies the same.

7           22.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations of Paragraph 22 of the Complaint and therefore denies the same.

9           23.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations of Paragraph 23 of the Complaint and therefore denies the same.

11          24.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
12 allegations of Paragraph 24 of the Complaint and therefore denies the same.

13          25.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
14 allegations of Paragraph 25 of the Complaint and therefore denies the same.

15          26.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations of Paragraph 26 of the Complaint and therefore denies the same.

17          27.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
18 allegations of Paragraph 27 of the Complaint and therefore denies the same.

19          28.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
20 allegations of Paragraph 28 of the Complaint and therefore denies the same.

21          29.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
22 allegations of Paragraph 29 of the Complaint and therefore denies the same.

23          30.     CNI admits that it is an out-of-state private company, and it was selected to conduct  
24 an audit. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
25 remaining allegations of Paragraph 30 of the Complaint and therefore denies the same.

26          31.     CNI admits its CEO, Doug Logan, tweeted statements highlighting anomalies that  
27 could indicate problems with the 2020 election. This included retweeting one statement by  
28 Republican Party Chair Kelly Ward suggesting that those ballots that went through adjudication

1 should be reviewed. CNI denies any other public statements. However, the allegations of  
2 Paragraph 31 are irrelevant to the claims and defenses of this matter.

3 32. CNI admits its CEO, Doug Logan, created a document for U.S. Senators who  
4 wished to put data in the Congressional record during the certification hearings that suggested  
5 issues in the 2020 election. CNI denies that this document contained disproven or baseless  
6 conspiracy theories. The document itself included copies of primary source material of which the  
7 claims were based on, including such items as SEC filings and affidavits. However, the allegations  
8 of Paragraph 32 of the Complaint are irrelevant to the claims and defenses of this matter.

9 33. CNI admits its CEO, Doug Logan, tweeted statements highlighting anomalies that  
10 could indicate problems with the 2020 election. This included retweeting one statement by  
11 Republican Party Chair Kelly Ward suggesting that those ballots that went through adjudication  
12 should be reviewed. CNI denies any other public statements. However, the allegations of  
13 Paragraph 33 of the Complaint are irrelevant to the claims and defenses of this matter.

14 34. CNI admits that Paragraph 34 of the Complaint appears to accurately recite a  
15 “tweet” by non-party Doug Logan. However, the allegations of Paragraph 34 are irrelevant to  
16 claims and defenses in this matter.

17 35. CNI admits that President Fann retained CNI to conduct the audit. CNI lacks  
18 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
19 of Paragraph 35 of the Complaint and therefore denies the same.

20 36. CNI admits to the allegations in Paragraph 36.

21 37. CNI admits to the allegations in Paragraph 37. However, the Senate has refused to  
22 pay CNI the remaining balance owed under the contract.

23 38. CNI admits Paragraph 38 of the Complaint accurately reproduces parts of the  
24 Master Service Agreement (“MSA”). CNI denies that the quoted section is in Section 12.3 of  
25 Exhibit 8 attached to the Complaint.

26 39. CNI admits Paragraph 39 of the Complaint accurately reproduces parts of the MSA.  
27 CNI denies that the quoted section is in Section 15.4. of Exhibit 8 attached to the Complaint.  
28

1           40. CNI admits that the \$150,000 of public funds did not cover the entire costs of the  
2 audit and donations by third parties have assisted in the cost of the audit. CNI denies the remaining  
3 allegations in Paragraph 40.

4           41. CNI admits that Paragraph 41 accurately reproduces a portion of the Lin Wood’s  
5 telegram. However, the Paragraph 41 is irrelevant to any claims and defenses regarding the subject  
6 matter of this action. Further, CNI lacks knowledge or information sufficient to form a belief as  
7 to the truth of the remaining allegations of Paragraph 41 of the Complaint and therefore denies  
8 the same.

9           42. CNI admits that paragraph 42 of the Complaint accurately recites a “tweet” by a  
10 non-party named Christina Bobb. However, the Paragraph 42 of the Complaint is irrelevant to any  
11 claims and defenses regarding the subject matter of this action. Further, CNI lacks knowledge or  
12 information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 42  
13 of the Complaint and therefore denies the same.

14           43. CNI admits that paragraph 43 accurately relays the substance of the cited CBS News  
15 story but it is without knowledge or information sufficient to form a belief as to the truth of the  
16 CBS News story’s statements, and therefore denies the same. CNI denies any remaining  
17 allegations in Paragraph 43 of the Complaint.

18           44. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
19 allegations of Paragraph 44 of the Complaint and therefore denies the same.

20           45. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
21 allegations of Paragraph 45 of the Complaint and therefore denies the same.

22           46. CNI admits that Paragraph 46 of the Complaint accurately reproduces certain parts  
23 of a July 28, 2021, press release. CNI further answers that certain non-privileged documents have  
24 already been produced. CNI denies the remaining allegations in Paragraph 46 of the Complaint.

25           47. CNI admits that that Paragraph 47 of the Complaint accurately reproduces certain  
26 parts of a July 28, 2021 press release. CNI further answers that certain non-privileged documents  
27 have already been produced. CNI denies the remaining allegations in Paragraph 47 of the  
28 Complaint.

1 48. CNI admits the allegations in Paragraph 48 of the Complaint.

2 49. CNI admits that the Arizona Democratic Party and Maricopa County Supervisor  
3 Steve Gallardo brought the lawsuit described in Paragraph 49 of the Complaint but denies the  
4 claims brought in such lawsuit were factually or legally valid. CNI denies any remaining  
5 allegations in paragraph 49 of the Complaint.

6 50. CNI admits the allegations in Paragraph 50 of the Complaint.

7 51. CNI admits the allegations in Paragraph 51 of the Complaint.

8 52. CNI admits the allegations in Paragraph 52 of the Complaint.

9 53. CNI admits the allegations in Paragraph 53 of the Complaint.

10 54. CNI denies the allegations in Paragraph 54 that the documents that were released  
11 pursuant to the *ADP* litigation were “public records” within the meaning of the PRL. ADP did not  
12 assert the documents were public records, nor did the court consider whether the documents were  
13 public records.

14 55. CNI admits that Paragraph 55 of the Complaint accurately reproduces one sentence  
15 from Exhibit 11 attached to the Complaint. CNI lacks knowledge or information sufficient to form  
16 a belief as to the truth of any remaining allegations of Paragraph 55 of the Complaint and therefore  
17 denies the same.

18 56. CNI admits that Paragraph 56 of the Complaint accurately reproduces one sentence  
19 from Exhibit 11 attached to the Complaint. CNI lacks knowledge or information sufficient to form  
20 a belief as to the truth of any remaining allegations of Paragraph 56 of the Complaint and therefore  
21 denies the same.

22 57. CNI admits the allegations in Paragraph 57 of the Complaint.

23 58. CNI admits that there is a “compelling public interest” in the audit but denies that  
24 any alleged “public interest” is material to any to the subject matter of this action. CNI denies any  
25 remaining allegations in Paragraph 58 of the Complaint.

26 59. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
27 allegations of Paragraph 59 of the Complaint and therefore denies the same.

28 60. CNI admits the allegations in Paragraph 60.

1           61.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations of Paragraph 61 of the Complaint and therefore denies the same.

3           62.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
4 allegations of Paragraph 62 of the Complaint and therefore denies the same.

5           63.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
6 allegations of Paragraph 63 of the Complaint and therefore denies the same.

7           64.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations of Paragraph 64 of the Complaint and therefore denies the same.

9           65.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations of Paragraph 65 of the Complaint and therefore denies the same.

11          66.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
12 allegations of Paragraph 66 of the Complaint and therefore denies the same.

13          67.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
14 allegations of Paragraph 67 the Complaint and therefore denies the same.

15          68.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations of Paragraph 68 of the Complaint and therefore denies the same.

17          69.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
18 allegations of Paragraph 69 of the Complaint and therefore denies the same.

19          70.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
20 allegations of Paragraph 70 of the Complaint and therefore denies the same.

21          71.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
22 allegations of Paragraph 71 of the Complaint and therefore denies the same.

23          72.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
24 allegations of Paragraph 72 of the Complaint and therefore denies the same.

25          73.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
26 allegations of Paragraph 73 of the Complaint and therefore denies the same.

27          74.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
28 allegations of Paragraph 74 of the Complaint and therefore denies the same.





1           88.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations of Paragraph 88 of the Complaint and therefore denies the same.

3           89.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
4 allegations of Paragraph 89 of the Complaint and therefore denies the same.

5           90.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
6 allegations of Paragraph 90 of the Complaint and therefore denies the same.

7           91.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations of Paragraph 91 of the Complaint and therefore denies the same.

9           92.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations of Paragraph 92 of the Complaint and therefore denies the same.

11          93.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
12 allegations of Paragraph 93 of the Complaint and therefore denies the same.

13          94.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
14 allegations of Paragraph 94 of the Complaint and therefore denies the same.

15          95.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations of Paragraph 95 of the Complaint and therefore denies the same.

17          96.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
18 allegations of Paragraph 96 of the Complaint and therefore denies the same.

19          97.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
20 allegations of Paragraph 97 of the Complaint and therefore denies the same.

21          98.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
22 allegations of Paragraph 98 of the Complaint and therefore denies the same.

23          99.     CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
24 allegations of Paragraph 99 of the Complaint and therefore denies the same.

25          100.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
26 allegations of Paragraph 100 of the Complaint and therefore denies the same.

27          101.    CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
28 allegations of Paragraph 101 of the Complaint and therefore denies the same.



1 116. Paragraph 116 of the Complaint does not accurately represent the transcript attached  
2 as Exhibit 35 of the Complaint. Cyber Ninjas stated that it had 60,000 documents for relevant time  
3 period and its references to 10,000, tens of thousands, and 60,000 were only estimates. CNI denies  
4 any remaining allegations in Paragraph 116 of the Complaint.

5 117. CNI admits the allegations in Paragraph 117 of the Complaint.

6 118. CNI denies the allegations in Paragraph 118 of the Complaint.

7 119. CNI admits that as of November 30, 2021, it had not produced certain emails with  
8 subcontractors. Pages 13-14 of Exhibit 37 do not reference invoices, and contracts, Therefore,  
9 CNI denies the remaining allegations in Paragraph 119.

10 120. CNI admits the allegations Paragraph 120.

11 121. CNI denies the allegations in Paragraph 121.

12 122. CNI admits that it is in possession of documents related to the audit. CNI denies that  
13 the documents are subject to disclosure under PRL and CNI denies any remaining allegations in  
14 Paragraph 122 of the Complaint.

15 123. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations of Paragraph 123 of the Complaint and therefore denies the same.

17 124. CNI admits that public statements were made about the progress. CNI denies the  
18 remaining allegations of Paragraph 124.

19 **COUNT 1**

20 **(Violation of Arizona Public Records Law – Failure to Produce or Provide Access)**

21 125. CNI incorporates by reference their answers to the foregoing paragraphs of the  
22 Complaint as if fully set forth herein.

23 126. CNI admits that Paragraph 126 of the Complaint accurately reproduces selected  
24 excerpts from A.R.S. § 39-121.01(B) but denies that Plaintiff is entitled to any relief pursuant to  
25 that statute, and denies any remaining allegations in Paragraph 126 of the Complaint.

26 127. Paragraph 127 of the Complaint states a legal conclusion to which no response is  
27 required. To the extent a response is deemed necessary, CNI admits that the PRL defines the term  
28 “officer” to include “any person elected or appointed to hold any elective or appointive office of

1 any public body,” but denies any remaining allegations in paragraph 127 of the Complaint.

2 128. Paragraph 128 of the Complaint states a legal conclusion to which no response is  
3 required. To the extent a response is deemed necessary, CNI admits that the PRL defines the term  
4 “public body” to include the “legislature,” but denies any remaining allegations in paragraph 128  
5 of the Complaint.

6 129. CNI admits that Paragraph 129 of the Complaint accurately reproduces selected  
7 excerpts from A.R.S. § 39-121 but denies that the Plaintiff is entitled to any relief pursuant to that  
8 statute. CNI denies any remaining allegations in Paragraph 129 of the Complaint.

9 130. CNI admits that Paragraph 130 of the Complaint accurately reproduces selected  
10 excerpts from *Scottsdale Unified Sch. Dist. No. 48 of Maricopa Cnty. v. KPNX Broad.*, 191 Ariz.  
11 297 (1998), but denies that that case entitles Plaintiff to any relief or otherwise supports its claims.  
12 CNI denies any remaining allegations in paragraph 130 of the Complaint.

13 131. CNI admits that Paragraph 131 of the Complaint accurately reproduces a selected  
14 excerpt from *Carlson v. Pima Cnty.*, 141 Ariz. 487 (1984), but denies that that case entitles  
15 Plaintiff to any relief or otherwise supports its claims. CNI denies any remaining allegations in  
16 Paragraph 131 of the Complaint.

17 132. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
18 allegations of Paragraph 132 of the Complaint and therefore denies the same.

19 133. CNI lacks knowledge or information sufficient to form a belief as to the truth of the  
20 allegations of Paragraph 133 of the Complaint and therefore denies the same.

21 134. CNI admits the allegations in the first sentence of Paragraph 134 of the Complaint  
22 but denies the remaining allegations in Paragraph 134 of the Complaint.

23 135. CNI denies the allegations of Paragraph 135 of the Complaint.

24 136. Paragraph 136 of the Complaint states legal arguments and conclusions to which no  
25 response is required. To the extent a response is deemed necessary, the CNI denies the allegations  
26 in Paragraph 136 of the Complaint.

1 137. CNI denies the allegations in paragraph 137 of the Complaint, and further answers  
2 that only “public records” that are in the “custody” of a “public body” or “officer” are subject to  
3 a presumption of disclosure under the PRL.

4 138. Paragraph 138 of the Complaint states legal arguments and conclusions to which no  
5 response is required. To the extent a response is deemed necessary, CNI denies the allegations in  
6 paragraph 138 of the Complaint.

7 139. CNI admits that Paragraph 139 of the Complaint accurately reproduces a selected  
8 excerpt from *Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344 (App. 2001), but denies that  
9 case entitles Plaintiff to any relief or otherwise supports its claims. CNI denies any remaining  
10 allegations in Paragraph 139 of the Complaint.

11 140. CNI denies the allegations in Paragraph 140 of the Complaint and further answering  
12 states that the alleged “broad and intense public interest” in any given alleged document is  
13 immaterial to the claims or defenses in this proceeding.

14 141. Paragraph 141 of the Complaint states a legal conclusion to which no response is  
15 required. To the extent a response is deemed necessary, CNI denies the allegations in Paragraph  
16 141 of the Complaint.

17 142. CNI admits that Paragraph 142 accurately reproduces a selected excerpt from  
18 *Phoenix New Times, LLC v. Arpaio*, 217 Ariz. 533 (App. 2008), but denies the remaining  
19 allegations in paragraph 142 of the Complaint.

20 143. CNI denies the allegations in first sentence of Paragraph 143 of the Complaint. CNI  
21 lacks knowledge or information sufficient to form a belief as to the truth of any remaining  
22 allegations of Paragraph 143 of the Complaint, and therefore denies the same.

23 144. CNI denies the allegations in Paragraph 144.

24 145. CNI denies the allegation in Paragraph 145. Further answering, CNI states that  
25 A.R.S. § 39-121.01(D)(2) requires only that agencies produce an index of withheld records, and  
26 CNI, as a private corporation does not fall under the term “agency.”

27 **AFFIRMATIVE DEFENSES**

28 1. Plaintiff has failed to state a claim that grants relief.

1 2. Documents in CNI’s possession related to the audit are not public records.

2 3. CNI are not required to produce, and Plaintiff is not entitled to receive, any record  
3 that contains confidential personal or associational information protected by statute, common law,  
4 or the federal or Arizona constitutions, irrespective of whether such record constitutes a “public  
5 record.”

6 4. CNI alleged agency relationship, if any, is limited to the scope within the MSA.

7 5. CNI is not an officer or an agency under the PRL.

8 **PRAYER FOR RELIEF**

9 WHEREFORE CNI respectfully requests that this Court order the following relief on  
10 an expedited basis:

- 11 A. Plaintiff takes nothing by way of its Complaint;  
12 B. Dismissing Plaintiff’s Complaint with prejudice;  
13 C. Awarding CNI its attorneys’ fees and costs; and  
14 D. Granting CNI such other relief as the Court deems just and appropriate.

15 **RESPECTFULLY SUBMITTED** on March 24, 2022.

16 **WILENCHIK & BARTNESS, P.C.**

17 */s/ Jordan C. Wolff*

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27 ...

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1 **ELECTRONICALLY** filed March 24, 2022,  
via AZTurboCourt.com

2 **COPY** electronically transmitted by the Clerk  
3 of the Court via AZTurboCourt.com  
4 to the Honorable Michael Kemp

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