

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 10/20/17
AMY M. WOOD,
CLERK
BY: RB

MARK STUART,)
) Court of Appeals
) Division One
Plaintiff/Appellant,) No. 1 CA-CV 15-0746
)
v.) Maricopa County
) Superior Court
JIM LANE, et al.,) No. CV2013-006138
)
Defendants/Appellees.)
)
)

**ORDER DENYING MOTION FOR RECONSIDERATION AND AMENDING THE MEMORANDUM
DECISION BY INTERLINEATION**

The court, Vice Chief Judge Peter B. Swann, Judge Kent E. Cattani, and Chief Judge Samuel A. Thumma, has received and considered Plaintiff/Appellant's motion for reconsideration. After consideration,

IT IS ORDERED denying Plaintiff/Appellant's motion for reconsideration.

IT IS FURTHER ORDERED, on the court's own motion, amending paragraph 48 of the Memorandum Decision filed on August 31, 2017 by interlineation, striking the crossed-out language ("But Stuart . . . (App. 2004).") and replacing it with the underlined language ("On this record . . . in camera review.") as follows:

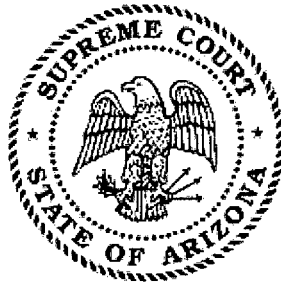
¶48 Stuart argues that the superior court should have reviewed any allegedly privileged documents in camera before determining whether such documents could be inspected as public records. ~~But Stuart raises this argument for the first time on appeal and has thus waived it. See Orfaly v. Tucson Symphony Soc'y, 209 Ariz. 260, 265, ¶ 15 (App. 2004).~~ On this record, and given the analysis above, Stuart has not shown that the court abused its discretion by declining to conduct an in camera review. Accordingly, we affirm the superior court's ruling on Stuart's public records claims.

/s/

Kent E. Cattani, Presiding Judge

A copy of the foregoing
was sent to:

Scott H Zwillinger
Scott Griffiths
Sandra L Slaton
Eric C Anderson
Hon Joshua D Rogers



SCOTT BALES
CHIEF JUSTICE

JANET JOHNSON
CLERK OF THE COURT

Supreme Court

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August 29, 2018

RE: MARK STUART v JIM LANE et al

Arizona Supreme Court No. CV-17-0311-PR
Court of Appeals, Division One No. 1 CA-CV 15-0746
Maricopa County Superior Court No. CV2013-006138

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on August 29, 2018, in regard to the above-referenced cause:

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees = DENIED.

Janet Johnson, Clerk

TO:
Scott H Zwillinger
Eric C Anderson
Amy M Wood

jd