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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Nancy Markham,

Plaintiff,

v.

City Of Surprise; Michael Frazier in his
individual capacity; Terry Young, in his
official capacity; and Christopher Tovar, in
his individual capacity,

Defendants.

No. 2:15-CV-01696-SRB

**STIPULATED ORDER RE
PLAINTIFF’S MOTION FOR A
PRELIMINARY INJUNCTION**

The Court having considered the parties’ Stipulation to Preliminary Injunction [Doc. 37], and good cause appearing,

IT IS HEREBY ORDERED that:

1. Defendants shall not enforce Article III of the Surprise Municipal Code, which includes §105-104 (“the Nuisance Property Section”) and §105-106 (“the Crime Free Lease Section”), against crime victims in rental properties for any alleged nuisance that is based on calls reporting or seeking police assistance regarding crime or on any criminal activity that is perpetrated against the tenants; and
2. Defendants shall not require the adoption of crime free lease provisions that permit and threaten eviction on the basis of criminal activity that is perpetrated against the tenants,
3. This Order shall remain in full force until the sooner of a) the resolution of the case; b) upon agreement by the parties that an amendment of the ordinance resolves or otherwise makes moot this stipulation or the entirety of the litigation; or c) any further Order of this Court, including a finding by the Court that some other material change in fact or law

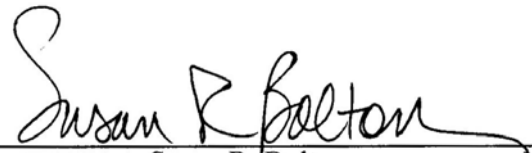
1 renders this Stipulation moot or otherwise inconsequential.

2 4. Defendants shall publish this Stipulated Order on the City of Surprise website
3 regarding the Rental Accountability Ordinance.

4 5. This Stipulated Order is not a Final Order of the Court, nor shall this Stipulation
5 be deemed an admission or concession by the Defendants that any one or all of the
6 Defendants currently or have ever enforced Article III of the Surprise Municipal Code
7 against crime victims or victims of domestic violence. Accordingly, neither this Stipulation
8 nor the contents hereof shall be admissible in any further court proceeding on the issue of
9 whether the Defendants currently have or ever enforced the existing ordinance against crime
10 victims or victims of domestic violence or violated the legal claims brought by Plaintiff in
11 this suit.

12 6. No bond is required.

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14 Dated this 14th day of October, 2015.

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18 Susan R. Bolton
19 United States District Judge
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