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2020 APR -3 PM 2:23  
LYNN FAZZ  
CLERK OF SUPERIOR COURT  
YUMA ARIZONA 85364

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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF YUMA**

12 CITY OF YUMA ex rel. STEVE IRR, in his  
13 official capacity as Fire Chief, and SUSAN M.  
14 SMITH, in her official capacity as Chief of  
Police, an Arizona municipal corporation,

15 **Petitioner,**

16 v.

17 YUMA COUNTY ex rel. DIANA GOMEZ, in  
18 her official capacity as Director of the Yuma  
19 County Public Health Services District, a  
political subdivision of the State of Arizona,

20 **Respondent.**  
21

Case No.: S1400CV202000214

**PROTECTIVE ORDER  
MANDATING THE  
DISCLOSURE OF COVID-19  
INFORMATION TO  
PETITIONER'S FIRST  
RESPONDERS**

22 The Court having reviewed and fully considered all of the allegations in City of  
23 Yuma's Application for Temporary Restraining Order and Order to Show Cause (With  
24 Notice) and Application for Preliminary Injunction, the Memorandum in support of said  
25 Application, submitted on behalf Steven Irr, City of Yuma Fire Chief and Susan M.  
26 Smith, Chief of Police, as well as the arguments and positions of the parties and their  
27 counsel during the emergency hearing on April 3, 2020, and the Court being fully advised  
28 in the premises, the Court finds as follows:

- 29 1. A.R.S. § 36-665 applies to this case and operates to provide the requested  
30 remedy sought by Petitioner.

1           2.     Petitioner has established that a clear and imminent danger exists to its first  
2 responders and the public and thus Petitioner has met the burden under A.R.S. § 36-  
3 665(B)(5).

4           3.     The imminent danger and risk requires an immediate order and notice to  
5 individuals about whom information is sought and provided is not reasonable under the  
6 circumstances.

7           4.     The COVID-19 outbreak and spread of the virus is an ongoing crisis  
8 throughout the Yuma community, throughout the State of Arizona, throughout the United  
9 States and throughout the world.

10          5.     Based on the Application and common knowledge, COVID-19 is a highly  
11 contagious disease that is spreading quickly throughout the world, throughout the Yuma  
12 community and is dangerous,

13          6.     For people who get COVID-19, the mortality rate is high.

14          7.     Communities throughout the State of Arizona and the United States are  
15 being overwhelmed by the number of people contracting the COVID-19 virus and  
16 hospitals are not able to provide care.

17          8.     Petitioner's first responders are in imminent danger of contracting COVID-  
18 19 because of their interactions with the community.

19          9.     Having prior knowledge of the name and address of individuals who might  
20 have the COVID-19 virus or who have tested positive for COVID-19 is very useful to  
21 first responders in helping them avoid contracting the virus.

22          10.    COVID-19 health information is confidential and must be protected and  
23 disseminated in a way to make it the least intrusive or less broadly disseminated.

24          11.    The name and address of individuals who have tested positive and who are  
25 pending test results for COVID-19 are relevant and necessary for Petitioner's first  
26 responders.

27          12.    An order from this Court requiring the immediate issuance of COVID-19  
28 health information to Petitioner would not be a hardship to Respondent at this time.

29          13.    Respondent has not breached its obligations at this time, however, there is  
30 an immediate need for the requested information to be disclosed to Petitioner.

1           WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that  
2 until the Governor of the State of Arizona rescinds his state-wide Declaration of  
3 Emergency in connection with the COVID-19 outbreak, that the Director of the Yuma  
4 County Public Health Services District ("Respondent") shall immediately and without  
5 delay, but in no event not less than 24 hours, provide Petitioner's Fire Department and  
6 Police Department with the names and addresses for persons who have tested positive for  
7 COVID-19.

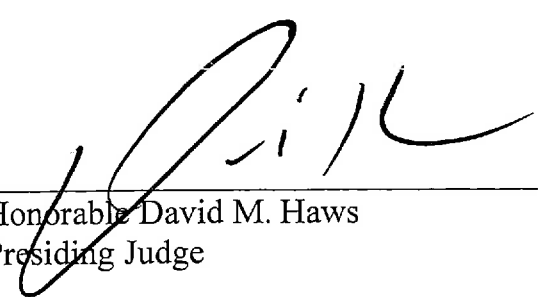
8           IT IS FURTHER ORDERED that Respondent shall immediately and without  
9 delay, but in no event not less than 24 hours, provide Petitioner's Fire Department and  
10 Police Department with the names and addresses for persons who have pending test  
11 results for COVID-19, to the extent Respondent has this information.

12           IT IS FURTHER ORDERED that as negative test results are received, on a  
13 weekly basis the names and addresses of the people testing negative shall be deleted from  
14 Petitioner's list of COVID-19 information.

15           IT IS FURTHER ORDERED that all COVID-19 information disclosed to  
16 Petitioner shall remain and be kept confidential and only available to Petitioner's  
17 emergency dispatchers and first responder supervisors.

18           IT IS FURTHER ORDERED that no names will be conveyed or broadcast over  
19 radio transmissions and appropriate protective measures shall be implemented to convey  
20 the required information and the same shall not be disseminated beyond the purpose of  
21 this Order.

22           DATED this 3<sup>rd</sup> day of April, 2020.

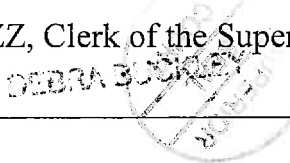
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26 Honorable David M. Haws  
27 Presiding Judge  
28  
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1 Copies of the foregoing  
2 placed in the boxes of the following  
3 this 3 day of April, 2020, to:

4 Edward Feheley, Deputy County Attorney  
5 Joseph Estes, Assistant City Attorney

6 LYNN FAZZ, Clerk of the Superior Court

7 By DEBRA BUCKLEY, Deputy Clerk



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