

CITY COUNCIL REPORT



Meeting Date: January 27, 2026
General Plan Element: *Provide for the orderly administration of the affairs of the City*
General Plan Goal: *Fiscal management*

ACTION

Adopt Resolution No. 13596 authorizing the City Attorney's Office and/or outside counsel engaged by the City Attorney to file a Petition or Counter-Petition and Appeal to the Arizona Supreme Court and/or any subsequent appellate review and related post-Mandate proceedings before the Superior Court or any other tribunal in *Shawn C. Fuller v. City of Scottsdale, et al.*, Case No. CV2020-052874, Superior Court of the State of Arizona County of Maricopa, and Arizona Court of Appeals Case No. 1 CA-CV 24-0785.

BACKGROUND

Plaintiff Shawn Fuller filed a lawsuit against the City of Scottsdale and Sherry Scott ("City Defendants") on May 11, 2020, alleging wrongful termination pursuant to A.R.S. § 23-1501 and defamation, among other claims. The Superior Court of the State of Arizona County of Maricopa made rulings, decisions, and took other action which the Defendants believed to be erroneous. On May 14, 2024, a jury returned a verdict adverse to the City Defendants. The City Defendants filed an appeal with the Arizona Court of Appeals in Case No. 1 CA-CV 24-0785. On January 15, 2026, the Court of Appeals filed a decision vacating the defamation verdict and corresponding portion of the Superior Court's judgment and affirming the remainder of the judgment. It is in the best interest of the City Defendants to authorize the City Attorney's Office and/or outside counsel engaged by the City Attorney to file a Petition or Counter-Petition and Appeal to the Arizona Supreme Court and/or any subsequent appellate review and related post-Mandate proceedings before the Superior Court or any other tribunal in *Shawn C. Fuller v. City of Scottsdale, et al.*, Case No. CV2020-052874, Superior Court of the State of Arizona County of Maricopa, and Arizona Court of Appeals Case No. 1 CA-CV 24-0785.

ANALYSIS & ASSESSMENT

Recent Staff Action

In post-trial proceedings and the appeal, the City has been represented by outside counsel, Scot L. Claus of Dickinson Wright PLLC pursuant to City Contract No. 2024-205-COS. Mr. Claus will

Action Taken Resolution No. 13596 approved with a vote of 7 to 0

continue his representation of the City Defendants in this matter. Staff from the City Attorney's Office have provided and will continue to provide assistance to outside counsel as needed.

Policy Implications

None.

Significant Issues to be Addressed

There are several important legal issues involved which can be addressed by the authorization requested to file a Petition or Cross-Petition and Appeal, and/or any subsequent appellate review and related post-Mandate proceedings before the Superior Court or any other tribunal.

Community Involvement

No community involvement is necessary on this item.

RESOURCE IMPACTS

Available funding

Funds are available in the City's Safety and Risk Management Operating Budget.

Staffing, Workload Impact

Approval of the Resolution will result in the City's ability to continue to protect its interests in this matter.

Future Budget Implications

The City may prevail in reversing or vacating the judgment. The City may also be responsible for interest accruing on some or all of the judgment as the appeal remains pending.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

The City Attorney's Office recommends that the Council adopt Resolution No. 13596 authorizing the City Attorney's Office and/or outside counsel engaged by the City Attorney to file a Petition or Counter-Petition and Appeal to the Arizona Supreme Court and/or any subsequent appellate review and related post-Mandate proceedings before the Superior Court or any other tribunal in *Shawn C. Fuller v. City of Scottsdale, et al.*, Case No. CV2020-052874, Superior Court of the State of Arizona County of Maricopa, and Arizona Court of Appeals Case No. 1 CA-CV 24-0785.

Proposed Next Steps

If the resolution is approved, the City Attorney's Office and/or outside counsel engaged by the City Attorney will act accordingly to protect the City's interests.

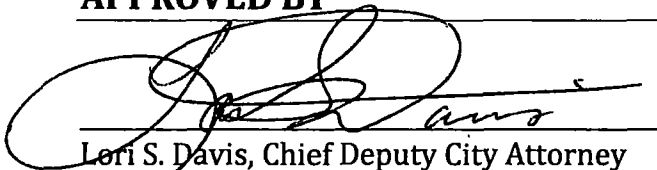
RESPONSIBLE DEPARTMENT(S)

City Attorney's Office - Civil Division
Safety and Risk Management

STAFF CONTACTS (S)

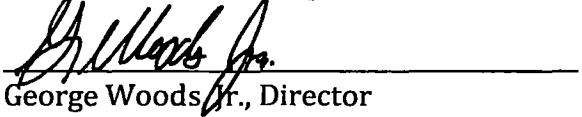
Lori S. Davis, Chief Deputy City Attorney, lodavis@scottsdaleaz.gov

APPROVED BY



Lori S. Davis, Chief Deputy City Attorney
(480) 312-2405
lodavis@scottsdaleaz.gov

Jan 21, 2026
Date



George Woods Jr., Director
Safety and Risk Management
(480) 312-7040
gwoods@scottsdaleaz.gov

1-21-2026
Date

ATTACHMENTS

1. Resolution No. 13596

RESOLUTION NO. 13596

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY ATTORNEY'S OFFICE AND/OR OUTSIDE COUNSEL ENGAGED BY THE CITY ATTORNEY TO FILE A PETITION OR COUNTER-PETITION AND APPEAL TO THE ARIZONA SUPREME COURT AND/OR ANY SUBSEQUENT APPELLATE REVIEW AND RELATED POST-MANDATE PROCEEDINGS BEFORE THE SUPERIOR COURT OR ANY OTHER TRIBUNAL IN *SHAWN C. FULLER V. CITY OF SCOTTSDALE, ET AL.*, CASE NO. CV2020-052874, SUPERIOR COURT OF THE STATE OF ARIZONA COUNTY OF MARICOPA, AND ARIZONA COURT OF APPEALS CASE NO. 1 CA-CV 24-0785.

WHEREAS, on May 11, 2020, Shawn Fuller initiated a lawsuit entitled *Shawn C. Fuller v. City of Scottsdale and Sherry Scott*, Case No. CV2020-052874 in the Superior Court of the State of Arizona County of Maricopa, alleging wrongful termination pursuant to A.R.S. § 23-1501 and later adding a defamation claim, among other claims;

WHEREAS, the Superior Court of the State of Arizona County of Maricopa made rulings, decisions, and took other action which the City Defendants believed to be erroneous;

WHEREAS, on May 14, 2024, a jury returned a verdict adverse to the City Defendants;

WHEREAS, the City Defendants filed an appeal with the Arizona Court of Appeals in Case No. 1 CA-CV 24-0785, and on January 15, 2026, the Court of Appeals filed a decision vacating the defamation verdict and corresponding portion of the Superior Court's judgment and affirming the remainder of the judgment;

WHEREAS, it is in the best interest of the City Defendants to authorize the Petition or Counter-Petition and Appeal to the Arizona Supreme Court and/or any subsequent appellate review and related post-Mandate proceedings before the Superior Court or any other tribunal in the case.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council hereby authorizes the City Attorney's Office and/or outside counsel engaged by the City Attorney to file a Petition or Counter-Petition and Appeal to the Arizona Supreme Court and/or any subsequent appellate review and related post-Mandate proceedings before the Superior Court or any other tribunal in *Shawn C. Fuller v. City of Scottsdale, et al.*, Case No. CV2020-052874, Superior Court of the State of Arizona County of Maricopa, and Arizona Court of Appeals Case No. 1 CA-CV 24-0785.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 27th day of January, 2026.

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Lisa Borowsky, Mayor

Ben Lane, City Clerk

APPROVED AS TO FORM:



Lori S. Davis, Chief Deputy City Attorney