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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

ALLISON BRADFORD; MICHAEL
CARLSON; and ADRIAN WURR,

Plaintiffs,

v.

CITY OF TUCSON, a body politic in the
State of Arizona,

Defendant.

Case No.: C20234363

Judgment

Assigned to: Honorable Greg Sakall

This matter came before the Court for a bench trial on March 19, 21, and 22, 2024. On May 29, 2025, the Arizona Court of Appeals reversed in part the judgment of this Court, finding the City liable for public nuisance by third parties on its land, and remanded the matter to this Court for entry of judgment in favor of Plaintiffs on their claim for injunctive relief.

Based on the parties' stipulation as well as the evidence and the Opinion of the Court of Appeals, the Court finds as follows:

1. The City of Tucson owns and controls approximately two acres of the

1 Navajo Wash located South of Fort Lowell Road and west of Mountain Avenue
2 in Tucson, Arizona known as the "Navajo Wash."

3 2. The City of Tucson consented to camping in the Navajo Wash.

4 3. The actions of third parties who have camped in the Navajo Wash
5 significantly interfere with the public health, safety, peace, comfort and
6 convenience.

7 4. Human feces, "fentanyl foil," other drug paraphernalia-including
8 needles and syringes, as well as tents, shopping carts and other trash have been
9 observed in the Navajo Wash.

10 5. Makeshift toilets, dangerous fires, individuals engaging in violent and
11 criminal behavior, as well as needles and other drug paraphernalia have been
12 observed in the wash.

13 6. Camping in the Navajo Wash has caused unsanitary and indecent
14 conditions that invade the rights of the neighboring residents and business
15 owners.

16 7. Individuals camping in the Navajo Wash have caused significant
17 disturbances that have created safety issues for those who live and work in the
18 Hederick Acres Neighborhood and have left the Navajo Wash in an unsanitary
19 condition.

20 8. In one instance a camper punched Plaintiff Wurr in the face.

21 9. These conditions are not "petty annoyances and disturbances of
22 everyday life" but a significant interference with the public's use and enjoyment
23 of the Navajo Wash.

24 10. The conditions in the Navajo Wash constitute a public nuisance.

25 11. The City has no first-party liability for the public nuisance in the
26 Navajo Wash and did not "set in motion" the nuisance.

27 12. The activity of homeless camping in the two acres of the Navajo Wash
28 located south of Fort Lowell Road and west of Mountain Avenue "involves a

1 certainty or an undue risk that the nuisance will result” as a matter of law.

2 13. Accordingly, the Court finds that the activity of homeless camping in
3 the Navajo Wash causes a public nuisance which the City of Tucson must abate.

4 Therefore, based on the record before this Court, the agreement of the
5 Parties, and other good cause appearing,

6 **IT IS HEREBY ORDERED** that the City of Tucson shall maintain its
7 property in Navajo Wash in a condition free of tents and other makeshift
8 structures, and free of biohazardous materials including human feces and urine,
9 drug paraphernalia, and other trash. In particular, within one business day of
10 receiving a complaint about an encampment in Navajo Wash the City shall
11 remove the encampment and remnants thereof or give notice of removal, not to
12 exceed 72 hours, after which time the City will remove the encampment and
13 remnants thereof.

14 **IT IS FURTHER ORDERED** that the City’s signage in Navajo Wash
15 signaling that it is unlawful to camp in the Wash shall be maintained.

16 **IT IS FURTHER ORDERED** that the Court does not intend this order to
17 create a private cause of action for every non-pervasive violation.

18 **IT IS FURTHER ORDERED** that the Court will require evidence of a
19 substantive, good faith attempt to address any future violations of this order
20 with the City before seeking Court involvement. The Court and the parties
21 recognize that the City may have occasional limitations on staff availability that
22 may impact compliance with the timeframes above, but that such limitations do
23 not absolve the City of its obligation to make good-faith efforts to comply with
24 this order and to abate any nuisance in Navajo Wash.

25 **IT IS FURTHER ORDERED** that this Court will retain jurisdiction with
26 respect to the enforcement of any future violations of this order.

27 The Court FINDS that Plaintiffs Michael Carlson and Adrian Wurr are
28 entitled to an award of attorneys’ fees and costs for the reasons set forth in its

1 April 17, 2026 Under Advisement Ruling. As to the reasonableness of the
2 requested fees and costs, the Court has considered the parties' arguments, and
3 independently review the record.

4 **IT IS FURTHER ORDERED** granting Plaintiffs' request for an award of
5 attorneys' fees in the amount of \$193,301.08 and taxable costs in the amount of
6 \$4,613.57 (including costs awarded by the Court of Appeals, and entering
7 judgment in favor of Plaintiffs Michael Carlson and Adrian Wurr and against
8 Defendant City of Tucson for those amounts. Said amounts to accrue interest at
9 the statutory rate of 7.75%.

10 **IT IS FURTHER ORDERED** that because no further matters remain
11 pending, this is a final judgment pursuant to Ariz. R. Civ. P. 54(c).

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15 **HON. GREG SAKALL**
(ID: a760443b-f8f9-4776-b216-f3536eca5b72)

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17 cc: Clerk of Court – Civil Judgments

18 **COURT NOTICE**
19 **THE ORIGINAL FILER MUST SERVE A COPY OF THIS ORDER/NOTICE/JUDGMENT**
20 **ON ALL PARTIES HAVING APPEARED IN THIS CASE.**
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