



July 30, 2025

Sent via Certified Mail and Email:

Grace St. Paul's Episcopal Church
c/o Reverend Steve Keplinger
2331 E. Adams St.
Tucson, AZ 85719

Re: Grace St. Paul's

Dear Reverends Steve Keplinger and Gary Cyr,

This law firm represents a group of neighbors who live in the area surrounding the Grace St. Paul's Episcopal Church ("GSP"). The purpose of this letter is to unequivocally demand that GSP cease operating its various programs for the unhoused at the location of GSP. If you do not respond, in writing, by **August 13, 2025**, my clients will assume that you intend to disregard this letter. My clients are no longer willing to engage in protracted negotiations, as they have done unsuccessfully for over six months. Move the program, or my clients will have no choice but to seek court intervention to protect themselves and their property. I also believe numerous businesses in the area may have claims for damages.

GSP's program constitutes both a public and private nuisance. Neighbors of GSP have had to deal with violent crime, property crime, assault, harassment, fires, open air drug use, human excrement on the sidewalks, in the alleys, and on their property, ever present drug paraphernalia and other trash on their properties and throughout the neighborhood. There is a mounting body of evidence that GSP enables and permits open air drug sales on its property, and one of the worst perpetrator's vehicle is registered at GSP itself.

The impact of the GSP program on its neighbors is well-documented, and it would surprise me to learn you were not aware of the contents of this letter. My office has prepared a Dropbox where you will find written declarations, hundreds of photographs, dozens of videos, police reports, and other documents providing direct evidence of the harm GSP's program is having on your neighbors. As you know, based on the recording

of GSP's annual meeting, at least one of GSP's neighbors has already fled the neighborhood because they no longer felt safe in their home.

You can find the Dropbox of evidence here:

<https://www.dropbox.com/scl/fo/o3y3udqaul4jbvgx9e2vq/ACWGF62MC45Wmwlx3ysEV4o?rlkey=vvz752xvct5zqi7ctf0onim6u&st=2u7jnkka&dl=0>

The password for this Dropbox is: GSP2025!\$@&geci

GSP's neighbors have brought these issues to your attention on dozens of occasions. Individual neighbors have contacted you. The neighbors have organized twenty hours of meetings facilitated by Council Member Uhlich's office. I recently spoke with GSP's Chancellor at yet another meeting on this issue at Council Member Uhlich's office. GSP has had every opportunity to change course and be a good neighbor. On one occasion, GSP's representative told the neighbors to sue you if they couldn't live with the nuisance. My clients are afraid for their safety in their own neighborhood. Hence this letter.

There are visibly mentally ill and extremely intoxicated individuals having violent altercations on GSP's property. There are unhoused individuals loitering on and around GSP's property. There are fires. There is rampant open-air drug use. There is theft. There is vandalism. And GSP's program is a significant causal factor in all of it.

Many witnesses have specifically identified GSP's clients as the perpetrators of nuisance behaviors. Witnesses have also seen the same type of behaviors present in the surrounding neighborhood, in a way that is concentrated along the most obvious routes through the neighborhood to GSP. I understand that GSP has taken the position in the past that these nuisance behaviors were not caused by GSP clients. This is not supported by the evidence, and contrary to common sense inferences.

To take some specific examples: in 2022, a person holding a care package from GSP's programs traveled south from GSP along Wilson on a day GSP was conducting its program. That individual saw a neighbor with his three-year-old daughter. Your client chased the neighbor and his daughter, threatening to kidnap the child. Your client followed your neighbor to his house and spent approximately 90 minutes screaming, yelling, and violently trying to break into their home to harm their daughter. Eventually, law enforcement arrived and arrested your client.

For at least a year, one of your current or former clients who drives a green Isuzu has been seen in the neighborhood. The driver of that car is a known violent felon who has previously shot someone. This individual has assaulted numerous neighbors by yelling expletives, verbally threatening neighbors, following women in public, apparently selling drugs, and trespassing. This car is registered to GSP's address.

The unhoused, who are more likely than not in the neighborhood because of your program, have been witnessed threatening to cut up and rape little girls in the schoolyard at the nearby Catholic school. Other unhoused individuals sometimes sit and watch the children.

Two of your clients broke into one of the neighboring houses and squatted for an unknown time, and had the audacity to confront the occupant, after the fact, to reacquire property they left inside of someone else's home.

Residents regularly find your clients in the midst of drug or mental illness-induced crises, and fire department and police visits to GSP are commonplace. A reasonable person would question the value of a program that puts your clients in close proximity to drug dealers and causes them to pass out on sidewalks, in yards, and in alleys. GSP's neighbors regularly have to call the paramedics because GSP's clients have overdosed on various drugs and are in crisis.

If your program only increased foot traffic and trash in the neighborhood, that would still constitute an actionable nuisance. Your program is putting your neighbors in danger. Some of your clients are dangerous, and your program clearly does not do enough for them to prevent them from inflicting those dangers on your neighbors.

The law on this area is clear. A private nuisance is a "nontrespassory invasion of another's interest in the private use and enjoyment of land." Restatement (Second) of Torts §821D. A public nuisance is "any unreasonable interference with the right common to the general public." Restatement § 821B. "[T]he same facts may support claims of both public and private nuisance" and "a nuisance may be simultaneously public and private when a considerable number of people suffer an interference with their use and enjoyment of land." *Armory Park v. Episcopal Community Services*, 148 Ariz. 1, 4 (1985).

When a church provides food pantry services to clients, and those clients create a nuisance in the neighborhood, that constitutes an actionable nuisance caused by the

church. These are the facts and holding of *Armory Park v. Episcopal Community Services*, and they could not be more on point. The testimony in that case is instructive:

The testimony at the hearing establishes that it was the Center's act of offering free meals which "set in motion" the forces resulting in the injuries to the Armory Park residents. Several residents testified that they saw many of the same transients passing through the neighborhood and going in and out of the Center. We find the testimony sufficient to support the trial judge's finding of a causal link between the acts of ECS and the injuries suffered by the Armory Park residents. The court of appeals thus erred by holding that there was no evidence from which the trial court could have concluded that ECS had engaged in conduct which would render it causally responsible for the interferences. The question is not whether defendant directly caused each improper act, but whether defendant's business operation frequently attracted patrons whose conduct violated the rights of residents to peacefully use and enjoy their property.

Armory Park, 148 Ariz. at 7.

That case also elucidated a well-established principle of law: "Under general tort law, liability for nuisance may be imposed upon one who sets in motion the forces which eventually cause the tortious act; liability will arise for a public nuisance when 'one person's acts set in motion a force or chain of events resulting in the invasion.'" *Armory Park Neighborhood Ass'n v. Episcopal Cmty. Servs. in Arizona*, 148 Ariz. 1, 7 (1985), quoting Restatement (Second) of Torts Sec. 824 cmt b. GSP cannot continue to maintain the position that GSP is free from liability for the actions of its clients. The defendant in *Armory Park* argued "since it has no control over the patrons when they are not on the Center's premises, it cannot be enjoined because of their acts." *Id.* at 7. In squarely rejecting this argument, the Supreme Court of Arizona stated "this position is not supported either by precedent or theory." *Id.* The evidence will show that GSP "sets in motion" the nuisance behaviors of its clients by bringing them into the neighborhood without providing them more than food.

Under *Bradford v City of Tucson*, the Arizona Court of Appeals recently clarified that "A nuisance is the use of property or course of conduct, regardless of an actual trespass or intention, which represents an unreasonable use of one's own property, which thereby obstructs or injures the right of another person, or that of the public, and causes 'material annoyance, inconvenience, and discomfort.'" *Bradford v. City of Tucson*, _____

P.3d ___, ¶ 13 (App. 2025). Under Arizona’s public nuisance statute, anything “injurious to health, indecent, offensive to the senses or an obstruction to the free use of property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood” is a public nuisance.” *Bradford*, ___ P.3d ___, ¶ 14, *quoting* A.R.S. § 13-2917(A)(1).

The Court of Appeals found a nuisance where the neighbors observed:

human feces and “fentanyl foil” in the wash, fires near homes, drug paraphernalia, tents, shopping carts, and trash which can block drainage from the wash. Additionally, City employees pick up human feces, needles, syringes, and “gobs of aluminum foil where they burn their pills” “every time” they clean up the wash.

Bradford, at ¶ 16.

One of the neighbors in that case testified that he was punched in the face by an unhoused individual, and another neighbor testified that an unhoused individual exposed himself to a secretary. One of the neighbors also testified that individuals had urinated and defecated on the walls of his business. Both the trial court and the Court of Appeals unequivocally found that these constituted a nuisance. The Court of Appeals explained that the “sanitary and indecent conditions [invaded] the rights of the neighboring residents and business owners.” *Bradford* at ¶ 17. The Court of Appeals affirmed the trial court in finding that “[t]hese conditions are not ‘petty annoyances and disturbances of everyday life’ but are, as the trial court expressly found, a significant interference with the public’s use and enjoyment of [their neighborhood].” *Id.*

The facts of this case are similar to, if not worse than, the facts of the *Bradford* case. As noted above, your program brings third parties to the neighborhood that then engage in dangerous, threatening, and indecent behavior, which at a minimum, significantly interferes with the neighbor’s use and enjoyment of the neighborhood.

In remanding for the entrance of an injunction, the Court of Appeals noted that even though the city did nothing to bring the homeless to the wash in that case, they were still liable because it “consent[ed] to third party’s activity involving an invasion.” *Bradford* at ¶ 21. Here, GSP specifically invites the third parties to Blenman-Elm and induces them to do so with food and other services. But even if that were somehow not the case, GSP has “manifest[ed] acquiescence or approval in respect to the persons in question” and has “consented to the activity involving the invasion” as evidenced by the

fact that GSP has refused to relocate its program after being confronted with pleas from the neighbors to do something. *Bradford* at ¶ 21.

GSP cannot responsibly handle the operation of its programs, as evidenced by the statements and documents attached to this letter. GSP must immediately stop conducting services, and never again provide them at its property.

I would also caution you and your staff against inciting GSP clients to retaliate against the neighbors. If this law firm discovers evidence that anyone affiliated with GSP has attempted to disclose the identity of my clients to your clients, they are threatened, or any harm comes to them or their properties, I will refer the matter to law enforcement and pursue legal action against those individuals directly. I have evidence which tends to establish that someone associated with GSP has incited retaliation in the past, and no such actions will be tolerated in the future. In just the past few weeks, there has been vandalism against a number of your immediate neighbors. We have been forced to redact the identities of witnesses to protect them from potential retaliation. To be clear, my clients are significantly concerned that they will be the victim of violent or destructive crime merely for formally voicing these concerns to GSP.

Rather than put your neighbors' safety in question, it seems encouraging your clients to treat your neighbors with respect and dignity would be the prudent course of action, rather than cheering, as some of your congregants did, when a family flees the neighborhood in fear for their safety.

If GSP is represented by counsel, please immediately provide their contact information so that I can forward this letter to them.

Sincerely,

Alex Winkelman

Alex Winkelman

Cc: Bishop Jennifer A. Reddall, The Episcopal Diocese of Arizona
Rob Rauh, Director of Grace St. Paul's Episcopal Church, and Statutory Agent

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Encls.