

Gary J. Cohen
Judge, Division 7
Arizona Superior Court in Pima County
110 West Congress Street
Tucson, AZ 85701

ARIZONA SUPREME COURT

In the Matter of: Supreme Court
No. R-23-0045

PETITION TO AMEND
ARIZONA RULE OF CIVIL
PROCEDURE 7.2

AMENDED PETITION

Attached is an AMENDED PETITION that incorporates all seven pages of the September 21, 2023 ORIGINAL PETITION, but attaches substitute redline and clean versions of Petitioner's proposed changes to current Ariz.R.Civ.P. 7.2. The language in the attachments were recommended (yesterday) by the Committee on Civil Rules of Procedure after review/study by one of its volunteer subcommittees. These changes are substantively the same as the ORIGINAL PETITION. The thought is that the attached language more logically follows the order in which things happen, and better tracks the language/format of the more recent rules that adopt Ariz.R.Civ.P. 7.1(h) certification requirements.

Rule 7.2 Motions in Limine

(a) **Obligation to Confer.** ~~Within sufficient time to comply with Rule 7.2(h), the~~ parties must consult in good faith to identify any disputed evidentiary issue that they anticipate will be the subject of a motion in limine.

(b) **Deadline for Filing.** Unless a different schedule is ordered by the court, the parties must file all motions in limine for which pretrial rulings are desired no later than 30 days before either a Trial Management Conference or, if no Trial Management Conference is set, the date of the trial.

(c) **Good Faith Consultation Certificate.** A good faith consultation certificate complying with Rule 7.1(h) must accompany any motion in limine.

(ed) **No Replies Permitted.** The moving party may not file a reply in support of its motion in limine.

(ed) **Pretrial Rulings.** All motions in limine submitted in accordance with Rule 7.20 must be ruled on before trial unless the court determines the particular issue of admissibility is better considered at trial. The court's denial of a motion in limine preserves the moving party's objection to the evidence for purposes of appeal.

(ef) **Effect of Noncompliance.** Motions in limine not filed in accordance with Rule 7.2(b) ~~will be deemed untimely and will~~ not be ruled on before trial unless good cause is shown. The failure to file a motion in limine in compliance with this rule does not operate as a waiver of the right to object to evidence at trial.

Rule 7.2 Motions in Limine

- (a) **Obligation to Confer.** The parties must consult in good faith to identify any disputed evidentiary issue that they anticipate will be the subject of a motion in limine.
- (b) **Deadline for Filing.** Unless a different schedule is ordered by the court, the parties must file all motions in limine for which pretrial rulings are desired no later than 30 days before either a Trial Management Conference or, if no Trial Management Conference is set, the date of the trial.
- (c) **Good Faith Consultation Certificate.** A good faith consultation certificate complying with Rule 7.1(h) must accompany any motion in limine.
- (d) **No Replies Permitted.** The moving party may not file a reply in support of its motion in limine.
- (e) **Pretrial Rulings.** All motions in limine submitted in accordance with Rule 7.2 must be ruled on before trial unless the court determines the particular issue of admissibility is better considered at trial. The court's denial of a motion in limine preserves the moving party's objection to the evidence for purposes of appeal.
- (f) **Effect of Noncompliance.** Motions in limine not filed in accordance with Rule 7.2 will not be ruled on before trial unless good cause is shown. The failure to file a motion in limine in compliance with this rule does not operate as a waiver of the right to object to evidence at trial.

