

In the matter of) Arizona Supreme Court
) No. R-24-0032
RULE 16, RULES OF CIVIL)
PROCEDURE)
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A petition having been filed proposing to amend Rules 16 and 84 (Forms 11(b), 12(b), 13(b), and 14(b)) of the Rules of Civil Procedure, and no comments having been received, upon consideration,

IT IS FURTHER ORDERED that Rule 84 (Forms 11(b), 12(b), 13(b), and 14(b)) of the Rules of Civil Procedure is amended in accordance with the attachment to this order, effective January 1, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

ATTACHMENT¹

RULES OF CIVIL PROCEDURE

Rule 16. Scheduling and Management of Actions

(a) [No change]

(b) Required Early Meeting About Expected Course of Case, Tiering.

(1) *Timing; Purpose.* Except as provided in Rule 16(k), At the earliest practicable time, but no later than 30 days after a party files an answer or files a motion directed at the complaint, or 120 days after the action commences--whichever occurs first--that party and the plaintiff must meet and confer about the anticipated course of their case, including the tier to which it should be assigned under Rule 26.2 and the subjects set forth in Rule 16(b)(2) and (c). The parties must discuss whether and how they can agree to streamline and limit claims and affirmative defenses to be asserted, discovery to be taken, and motions to be brought. The purpose of the conference is to plan cooperatively for the case, and to facilitate the case's placement in one of three tiers discovery. The attorneys of record and all unrepresented parties who have appeared in the action are jointly responsible for arranging and participating in the Early Meeting.

(2) [No change]

(c) Filing of Joint Report and ~~Proposed~~ Scheduling Order.

(1) *Timing.* Except as provided in Rule 16(k) and (l) ~~No later than 14 days after the Early Meeting,~~ the parties must file a Joint Report and a ~~P~~proposed Scheduling Order no later than 14 days after the Early Meeting. The attorneys of record and all unrepresented parties who have appeared in the action are jointly responsible for attempting in good faith to agree on a ~~P~~proposed Scheduling Order, and for filing the Joint Report and the ~~P~~proposed Scheduling Order with the court. The court must issue a Scheduling Order as soon as practicable either after receiving the parties' Joint Report and ~~P~~proposed Scheduling Order or after holding a Scheduling Conference.

(2) [No change]

(3) *Content of ~~Proposed~~ Scheduling Order.* The proposed Scheduling Order must state the discovery tier to which the case is assigned, and must specify deadlines for the following by calendar date, month, and year:

(A)-(L) [No change]

(4) *Dates Certain.* The Scheduling Order must include calendar deadlines specifying the month, date, and year for each of the items included in the ~~P~~proposed

¹ Additions to the text of the rule are shown by underscoring and deletions are shown by ~~strike-through~~.

Scheduling Order, consistent with the discovery tier to which the case is assigned under Rule 26.2(f). The Scheduling Order must also set either: (A) a trial date; or (B) a date for a Trial-Setting Conference under Rule 16(e) at which a trial date may be set. Absent leave of court, no trial may be set unless the parties certify that they engaged in a settlement conference or private mediation, or that they will do so by a date certain approved by the court. The Scheduling Order also may address other appropriate matters.

(5)-(6) [No change]

(7) *Forms*. The parties must file the Joint Report and the Proposed Scheduling Order using the forms approved by the Supreme Court and set forth in Rule 84, Forms 11 through 13. They must use Forms 11(a) and (b) for Tier 1 cases, Forms 12(a) and (b) for Tier 2 cases, and Forms 13(a) and (b) for Tier 3 cases. The form of proposed Scheduling Order filed should *not* include the word “proposed” in the title.

~~(8) *Applicability*. The requirements of Rule 16(b) and (c) apply to all civil actions except:~~

~~(A) the requirements of Rule 16(b) apply to actions subject to compulsory arbitration under Rule 72(b), but the requirements of Rule 16(c) do not. In actions subject to compulsory arbitration, no later than 14 days after the Early Meeting, the parties must file a Report of Early Meeting stating the date(s) on which the Early Meeting occurred, and containing either a proposed stipulation to a discovery tier, or the parties' positions regarding the appropriate discovery tier. The Report of Early Meeting must attach a good faith consultation certificate under Rule 7.1(h); and~~

~~(B) the requirements of Rule 16(b) and (c) do not apply to actions seeking the following relief:~~

- ~~(i) change of name;~~
- ~~(ii) forcible entry and detainer;~~
- ~~(iii) enforcement, domestication, transcript, or renewal of a judgment;~~
- ~~(iv) an order pertaining to a subpoena sought under Rule 45.1(e)(2);~~
- ~~(v) restoration of civil rights;~~
- ~~(vi) injunction against harassment or workplace harassment;~~
- ~~(vii) delayed birth certificate;~~
- ~~(viii) amendment of birth certificate or marriage license;~~
- ~~(ix) civil forfeiture;~~
- ~~(x) distribution of excess proceeds;~~
- ~~(xi) review of a decision of an agency or a court of limited jurisdiction;~~

~~(xii) declarations of factual innocence under Rule 57.1 or factual improper party status under Rule 57.2; and~~

~~(xiii) petitions under Rule 45.2(e).~~

(d)-(g) [No change]

(h) Sanctions.

(1) *Generally.* Except on a showing of good cause, the court--on motion or on its own--must enter such orders as are just, including, among others, any of the orders in Rule 37(b)(2)(A)(ii) through (vii), if a party or attorney:

(A)-(D) **[No change]**

(E) fails to participate in good faith in the preparation of a Joint Report and Proposed Scheduling Order or a Joint Pretrial Statement.

(2) **[No change]**

(3) **[No change]**

(i)-(j) [No change]

(k) Applicability. The requirements of Rule 16(b) and (c) do not apply to actions seeking the following relief:

(1) change of name;

(2) forcible entry and detainer;

(3) enforcement, domestication, transcript, or renewal of a judgment;

(4) an order pertaining to a subpoena sought under Rule 45.1(e)(2);

(5) restoration of civil rights;

(6) injunction against harassment or workplace harassment;

(7) delayed birth certificate;

(8) amendment of birth certificate or marriage license;

(9) civil forfeiture;

(10) distribution of excess proceeds;

(11) review of a decision of an agency or a court of limited jurisdiction;

(12) declarations of factual innocence under Rule 57.1 or factual improper party status under Rule 57.2; and

(13) petitions under Rule 45.2(e).

(l) Compulsory Arbitration. The requirements of Rule 16(b) apply to actions subject to compulsory arbitration under Rule 72(b), but the requirements of Rule 16(c) do not. In

actions subject to compulsory arbitration, no later than 14 days after the Early Meeting, the parties must file a Report of Early Meeting stating the date(s) on which the Early Meeting occurred, and containing either a proposed stipulation to a discovery tier, or the parties' positions regarding the appropriate discovery tier. The Report of Early Meeting must attach a good faith consultation certificate under Rule 7.1(h). The parties must use the procedures set forth in Rule 16(c)(6)(B) if they disagree as to the appropriate tier.

* * *

Rule 84. Forms

The forms in the Appendix suffice under these rules and illustrate the simplicity and brevity these rules contemplate.

* * *

Form 11(b). ~~Proposed~~ Scheduling Order: Tier 1 Case

In the Superior Court of Arizona

_____ County

Plaintiffs	)	Case number _____
	)	
v	)	Proposed Scheduling Order
	)	
Defendants	)	<i>(Tier 1 case)</i>
	)	
	)	Assigned to:

Upon consideration of the parties' Joint Report, the court orders as follows:
[Remaining text unchanged]

* * *

Form 12(b). ~~Proposed~~ Scheduling Order: Tier 2 Case

In the Superior Court of Arizona
_____ County

Plaintiffs	)	Case number _____
	)	
v	)	Proposed Scheduling Order
	)	
Defendants	)	<i>(Tier 2 case)</i>
	)	
	)	Assigned to:

Upon consideration of the parties' Joint Report, the court orders as follows:
[Remaining text unchanged]

* * *

Form 13(b). ~~Proposed~~ Scheduling Order: Tier 3 Case

In the Superior Court of Arizona
_____ County

Plaintiffs	)	Case number _____
	)	
v	)	Proposed Scheduling Order
	)	
Defendants	)	<i>(Tier 3 case)</i>
	)	
	)	Assigned to:

Upon consideration of the parties' Joint Report, the court orders as follows:
[Remaining text unchanged]

* * *

Form 14(b). ~~Proposed~~ Scheduling Order: Commercial Case

In the Superior Court of Arizona

_____ County

Plaintiffs

v

Defendants

)

)

)

)

)

)

)

Case number _____

~~Proposed~~ Scheduling Order

(Commercial case)

Assigned to:

Upon consideration of the parties' Joint Report, the court orders as follows:
[Remaining text unchanged]