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**IN THE SUPREME COURT
STATE OF ARIZONA**

<p>In the Matter of:</p> <p>PETITION TO AMEND COURT RULES REGARDING SERVICE OF PROCESS OF NOTICE OF CLAIM UPON GOVERNMENT OFFICIALS</p>	<p>Supreme Court No. R-26-_____</p> <p>PETITION</p>
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Pursuant to Rule 28, Rules of the Supreme Court of Arizona, Eli Dalton-Webb hereby petitions in the Arizona Supreme Court to amend Arizona Civil Procedure Rule 4.1, Arizona Civil Procedure Rule 4.2, Arizona Civil Procedure Rule 5 and adding Rule 4.3 to the Arizona Rules of Civil Procedure regarding serving government officials with a notice of claim.

Serving a Notice of Claim upon government officials is an absolute mess, with the current rules in place. For example, let’s say someone was injured from a public school—who is “the entity's chief executive officer(s), or, alternatively, its official secretary, clerk, or recording officer”? It’s ambiguous. We’ve seen this problem come up in cases like *Batty v. Glendale Union High Sch. Dist.* 205, 221 Ariz. 592 where someone

had a hard time figuring out who exactly to give the notice of claim to because the information and rules provided are ambiguous.

An even worse example is *Simon v. Maricopa Med. Ctr.*, 225 Ariz. 55 where a man had a claim against the City of Phoenix, he served the city clerk, but didn't serve the police officers at their personal residences. The problem is that indigent litigants do not have the financial resources to hire a private investigator, like John Simon (who was homeless). At the stage of a notice of claim, there is no discovery and no initial disclosure—so a litigant cannot get the home addresses of the defendants by filing a lawsuit, because the notice of claim is a pre-litigation procedure—the notice of claim is supposedly supposed to avoid lawsuits. But government defendants usually use service of process games to dodge claims from indigent litigants by alleging they were never served because litigants did not go to the personal residences of police officers or other public employees. The only information an indigent litigant can get from the pre-litigation steps of a notice of claim is what he can get from public records. However, A.R.S. § 39-123 does not permit the disclosure of a defendant public employee's personal residence address.

The way professional attorneys with money work around these unfair catch-22's is to usurp the government's attempt at dodging service of process by hiring a private investigator (who is usually also a private process server) to find the personal residence addresses of public employees (including police officers) and paying up-front to have

them served. Unfortunately, indigent litigants cannot hire private investigators, so often times, they have their claims dismissed in court without the court hearing the merits of the case. Even if these attorneys with money have a private investigator, these attorneys must guess who the defendant wants to have as their agent to accept service, and hope that the defendant doesn't move to dismiss in court months later after being served with a notice of claim, and also hope that whoever is supposed to accept service can be found. In the *Batty v. Glendale Union High Sch. Dist. 205*, 221 Ariz. 592, the judicial department basically expected Batty to serve the 5-member elected board with the notice of claim. The problem is that many of these elected bodies, like Glendale Union High, is that practically, the only time they come into the office is for their meeting, which could be anywhere between weekly to once a year. Batty, his attorney, or the process server, could not, as a practical matter, just walk in on an ordinary business day and find the unpaid, volunteer, elected board members sitting around waiting to get a notice of claim. Same thing with public employees—especially police officers—they do not sit around at an office between 8AM and 5PM ready to accept notices of claims.

Public employees have an interest in their personal residences being protected, and litigants who just simply want monetary relief have no true interest in finding the personal residences of these public employees. The only reason why any litigant has any reason to find out where a public employee lives is because of the unforgiving nature of Civil Procedure Rule 4.1(d).

In pre-litigation notice of claim stages, (1) there is no Civil Procedure Rule 4.1(c) incentive to voluntarily waive service; (2) there is no discovery/initial disclosure to find personal residence addresses; (3) there is no Civil Procedure Rule 4.1(k) alternative service because there is no judge to make the motion to; (4) there is no waiver/deferral for constable/sheriff service of process of a notice of claim because a notice of claim is not a court document; (5) there is no Civil Procedure Rule 4.1(l) service by publication; (6) public records do not allow for disclosure of personal residence addresses; and (7) Civil Procedure Rule 4.1(d) practically requires that litigants find the personal residences of public employees and serve the public employees with notices of claims at their personal residences.

In Appendix A is the proposed rule changes, in compliance with Rule 28(a)(4)(A)(ii) and Rule 28(a)(4)(A)(iii).

Pursuant Rule 28(a)(4)(A)(iv), no similar petition has been filed by anyone within the previous 5 years.

Submitted respectfully this day, 12 November 2025,

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Eli Dalton-Webb

APPENDIX A

PROPOSED RULE CHANGES:

ARIZONA RULES OF CIVIL PROCEDURE

Rule 4.1. Service of Process Within Arizona

(n) THIS RULE SHALL NOT APPLY TO SERVICE OF AN A.R.S. § 12-821.01

NOTICE OF CLAIM.

Rule 4.2. Service of Process Outside Arizona

(n) THIS RULE SHALL NOT APPLY TO SERVICE OF AN A.R.S. § 12-821.01

NOTICE OF CLAIM.

Rule 5. Serving Pleadings and Other Documents

(a)(1) Scope. This rule governs service on other parties after service of the summons and complaint, counterclaim, or third-party complaint. THIS RULE SHALL NOT APPLY TO SERVICE OF AN A.R.S. § 12-821.01 NOTICE OF CLAIM.

Rule 4.3. Service of Notice of Claim; Declaratory Relief Lawsuit

(a) This rule governs the service of notices of claims within the meaning of A.R.S. § 12-821.01.

(b) Definitions. For purposes of this Rule 4.3:

(1) “Ordinary Business Hours” means not less than Monday through Friday from 8:00AM to 5PM, except for Arizona Supreme Court holidays.

(2) “notice of claim” is a notice of claim within the meaning of A.R.S. § 12-821.01.

(3) “administrative director” means the administrative director of the supreme court.

(4) “notice of claim claimant” means the person who has claim(s) against the public entity, public school, or public employee in a notice of claim.

(c) Service upon a government entity is also service upon its employees.

(d) **Self-published Method of Service.** Public entities, public schools, and public employees shall conspicuously, clearly, and unambiguously publish on the their website (with a “gov” top-level domain) up-to-date information on how a person may serve a notice of claim upon the public entity, public school, and all their public employees.

(1) **Required Information.** The Public entities, public schools, and public employees on their website shall include:

(1) an e-mail address to serve a notice of claim upon; and

(2) a mailing address to serve a notice of claim upon; and

(3) a physical address and persons or department names upon which to serve a notice of claim upon, in which the person will accept notices of claims during Ordinary Business Hours.

(2) Any failure of a public entity, public school, or public employee to have a public website that is easily found by common search engines, to have a website that can be accessed by all common web browsers, to have a website that does not use a “gov” top-level domain, to have a “notice of claim” page that cannot be easily searchable by common search engines, or to conspicuously publish on their website unambiguous information on how to serve a notice of claim upon them, or to provide all information required, or to maintain a person to accept service during Ordinary Business Hours, shall be construed as that public entity, public school, or public employee designating the attorney general as their agent for notice of claim service. This provision shall be construed liberally in favor of notice of claim claimant and strictly against the public entity, public school, or public employee.

(e) **Administrative Director Service Directory.** The administrative director of the Arizona Supreme Court shall maintain an up-to-date directory of all public entities, public schools, and public employees, and pertinent information related to serving them with notices of claims that is easily searchable by laymen with basic computer literacy.

(1) All public entities, public schools, and public employees shall provide up-to-date and unambiguous information to the administrative director on how a person can serve them with a notice of claim, and shall provide:

(A) an e-mail address to serve a notice of claim upon; and

(B) a mailing address to serve a notice of claim upon; and

(C) a physical address and persons or department names upon which to serve a notice of claim upon, in which the person will accept notices of claims during Ordinary Business Hours.

(2) The information provided in (e)(1) shall be self-containing and shall not refer to anything not included in the information provided.

(3) Any failure of a public entity, public school, or public employee to participate in this directory, to update this directory, or to provide all information required, or to not maintain a person to accept service during Ordinary Business Hours, shall be construed as that public entity, public school, or public employee designating the attorney general as their agent for notice of claim service. This provision shall be construed liberally in favor of notice of claim claimant and strictly against the public entity, public school, or public employee.

(4) **accuracy and currentness.** The administrative director is not responsible for the accuracy or currentness of the directory, it is the responsibility of the public entities, public schools, and public employees to be proactive and volunteer information to the administrative director and to ensure the published information is up-to-date. The administrative director is not required to solicit information to compile into the directory.

(5) **Attorney general.** Notwithstanding (4), the administrative director shall solicit up-to-date information of the e-mail address, mailing address, and physical address and persons authorized to receive notice of claims upon the attorney general. If the attorney general is non-responsive or refuses to cooperate, the administrative director shall make a best guess and shall publish best-guess information and such best-guess information shall be deemed accurate and current information for service upon the attorney general for notice of claim purposes.

(6) The administrative director's published directory is considered the official directory and is always assumed accurate and current for service of notice of claim purposes.

(f) **Common Government Entities and Employees.** Service upon a government entity is service upon its employees. For the following government entities and government employees, service of a notice of claim may be served by delivering a copy of the notice of claim to the following individuals:

- (1) for service on the State of Arizona and/or state-level elected officers, and/or its employees, the Attorney General; and
- (2) for service on a county, and/or county-level elected officers, and/or its employees, the clerk of the board of supervisors for that county; and
- (3) for service on a municipal corporation and/or its employees, the clerk of that municipal corporation; and

(4) for service on any other governmental entity, with service upon the governmental entity being also service upon its employees:

(A) the individual designated by the entity, as required by statute, to receive service of process; or

(B) if the entity has not designated a person to receive service of process, then the entity's chief executive officer(s), or, alternatively, its official secretary, clerk, or recording officer.

(g) **Choosing Method of Service.** A person may choose any method of service as prescribed in (d), (e), or (f) for serving a notice of claim.

(h) **E-mails.** For notice of claim service purposes, an e-mail sent is an e-mail received, notwithstanding whether or not there are any technical problems on the recipient's e-mail server.