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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULE 16 AND	)	Supreme Court No. 26-_____
ADOPT RULE 65.3 OF THE RULES OF	)	(expedited consideration
CIVIL PROCEDURE	)	and emergency adoption
	)	requested)
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend the Rules of Civil Procedure as proposed in Appendix A. The proposed amendments are prompted by the enactment of [Senate Bill \(SB\) 1566](#), Malicious Delay; Enforcement; Penalty, during the Second Regular Session of the Fifty-seventh Legislature, as more particularly described below.

SB 1566 has a general effective date and will become effective on September 12, 2026. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments as set forth in Appendix A.

I. Purpose of Proposed Rule Amendments

SB 1566, Malicious Delay; Enforcement; Penalty (Laws 2026, Ch. 71)

SB 1566 creates a new superior court action under A.R.S. § 12-1139 that allows a city or county to challenge a finding by the attorney general of malicious delay by the city or county in licensing or responding to applications for single-family residential construction.

A.R.S. § 12-1139 establishes an expedited judicial review process, requiring the court to set an initial case management conference within 10 calendar days after service of the complaint. Because this timeline is incompatible with the early meeting required under Rule 16(b)—which must occur within 30 days after an answer is filed or within 120 days after the complaint is filed—these actions must be exempt from that requirement. Petitioner therefore proposes amending Civil Rule 16(k) to add malicious delay challenges to the list of exempt proceedings.

Additionally, unless prompted the court will not know that it needs to set an initial case management conference when proof of service is filed. To address this, Petitioner proposes creating a new Rule 65.3, alongside other “special proceedings,” to ensure proper coordination of scheduling in malicious delay challenge cases and parallel the provisions of A.R.S. § 12-1139.

The proposed amendments are set forth in Appendix A.

II. Preliminary Comments

This petition has not been circulated to the court community for pre-filing comments because of its technical nature and due to the short period of time since the enactment of the new statutory provisions.

III. Similar Petitions Filed in Last Five Years

Petitioner is not aware of any similar petitions filed in the past five years.

IV. Request for Expedited Consideration and Emergency Adoption

SB 1566 becomes effective on September 12, 2026. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this petition for inclusion on the August 2026 Rules Agenda, consider adoption of the proposed amendments as set forth in Appendix A on an emergency basis at that Agenda with an effective date of September 12, 2026, open the petition for comment, and consider adopting the proposed amendments on a permanent basis at this Court's December 2026 Rules Agenda.

Respectfully submitted this 16th day of July, 2026.

By /s/ David K. Byers
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APPENDIX A

Rules of Civil Procedure

(deletions shown with ~~striketrough~~, new language is underlined)

Rule 16. Scheduling and Management of Actions

(a) through (j) [No change]

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

(1) through (11) [No change]

(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); and

(14) malicious delay challenges under Rule 65.3.

(l) [No change]

Rule 65.3. Malicious Delay Challenges

(a) Generally. A county or city may bring an action to challenge a finding of malicious delay under A.R.S. §§ 9-500.54 or 11-269.31.

(b) Scheduling an Initial Case Management Conference. Upon filing proof of service, the plaintiff must request that the court set an initial case management conference. The court must set the conference within 10 days after the request is filed and promptly notify the parties of the conference date.

(c) Initial Case Management Conference. At the initial case management conference, the court must establish a schedule for discovery, briefing, and hearings.

(d) Trial Setting. Absent a finding of good cause, the court must set the trial or final hearing date as soon as practicable after the initial case management conference.

(e) Expedited Proceedings. The court must expedite proceedings and must rule on all motions for summary judgment and other dispositive motions as soon as practicable.