

# **APPENDIX A**

## Changes to the Proposed Amended Rules Since the Filing of the Amended Petition

### Rule 1. Scope and Purpose

These rules govern the procedure in all civil actions and proceedings in the superior court of Arizona. They should be construed, ~~and administered, and employed by the court and the parties~~ to secure the just, speedy, and inexpensive determination of every action and proceeding.

\* \* \*

### Rule 5.1. Filing Pleadings and Other Documents

\* \* \*

#### (d) Proposed Orders; Proposed Judgments.

- (1) **Required Format.** A proposed order or proposed judgment must be prepared and submitted as a separate document and may not be included as an integral part of a motion, stipulation, or other document. The proposed order or proposed judgment must be prepared in accordance with this rule, and must comply with the provisions of Rule 5.2. On the signature page, there must be at least two lines of text above the signature.
- (2) **Service and Filing.** Any proposed order or proposed judgment must be served on all parties at the same time it is submitted to the court. The clerk may not file a proposed order or proposed judgment ~~until the court has signed it and authorized its entry.~~ The clerk must accept electronically-submitted proposed orders and proposed judgments; however, these electronically-submitted documents must not be included in the publicly-displayed court record. A party may file an unsigned proposed order or proposed judgment only if necessary as an attachment or exhibit to a notice of lodging or other filing if directed by the court, required by rule, or done to preserve the record on appeal.
- (3) **Stipulations and Motions; Proposed Forms of Order.**
  - (A) All written stipulations must be accompanied by a proposed order. If the proposed order is signed and entered, no minute entry need issue.
  - (B) If a motion is accompanied by a proposed order, no minute entry need issue if the order is signed and entered.

\* \* \*

## Rule 45. Subpoena

\* \* \*

### (c) Subpoena to Produce Materials or to Permit Inspection; Duties; Objections.

(1) *Issuing Court.* If separate from a subpoena commanding attendance at a deposition, hearing, or trial, a subpoena commanding a person to produce designated documents, electronically stored information, or tangible things, or to permit the inspection of premises, must issue from the superior court in the county where the production or inspection is to be made.

#### (2) *Electronically Stored Information.*

(A) *Specifying the Form for Electronically Stored Information.* A subpoena may specify the form or forms in which electronically stored information is to be produced.

(B) *Form for Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, **the person responding must may produce it in a form or forms in which it is ordinarily maintained native form** or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person.

\* \* \*

**Rule 54. Judgment; Costs; Attorney’s Fees; Form of Proposed Judgments**

\* \* \*

**(b) Judgment on Multiple Claims or Involving Multiple Parties.** If an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or if multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines there is no just reason for delay and recites that the judgment is entered under Rule 54(b). If there is no such express determination and recital, any decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is does not a final judgment end the action as to any of the claims or parties, and that decision may be revised at any time before the entry of a final judgment under Rule 54(b) or (c) judgment adjudicating all the claims and all the parties’ rights and liabilities.

\* \* \*

**(f) Request for Costs.**

\* \* \*

**(2) Time for Filing Request if No Motion for Attorney’s Fees Is Filed.** If a party seeking costs does not seek an award of attorney’s fees under Rule 54(g), a request for costs must be filed within the time set forth below:

\* \* \*

**(B) Decisions Subject to Rule 54(b)—Adjudicating All Claims and Liabilities of Any Party.** If a decision adjudicates all claims and liabilities of any party:

- (i)** If that party or another party moves for entry of a final judgment under Rule 54(b), or includes Rule 54(b) language in a proposed form of judgment, a prevailing party seeking costs must file a verified request for an award of taxable costs under A.R.S. § 12-332 within 20 days after service of the motion or proposed form of judgment seeking Rule 54(b) treatment, or by such other date as the court may order.
- (ii)** If the court declines to enter final judgment under Rule 54(b), or no party seeks entry of final judgment under Rule 54(b), a prevailing party seeking costs must file a verified request for costs no later than 20 days after any decision is filed that adjudicates all remaining claims in the action, or 20 days after the action’s dismissal, whichever occurs first.

**(C) Decisions Subject to Rule 54(b)—Adjudicating Fewer Than All Claims and Liabilities of a Party.** If a decision or judgment adjudicates fewer than all claims and liabilities of a party, a prevailing party seeking costs must file a verified request for costs no later than 20 days after any decision is filed that adjudicates

all remaining claims in the action, or 20 days after the action’s dismissal, whichever occurs first.

\* \* \*

**(g) Attorney’s Fees.**

\* \* \*

**(3) Time for Filing Motion—Decisions Subject to Rule 54(b).**

**(A) Adjudicating All Claims and Liabilities of Any Party.** If a decision adjudicates all claims and liabilities of any party:

**(i)** If that party or another party moves for entry of a **final** judgment under Rule 54(b), or includes Rule 54(b) language in a proposed form of judgment, a motion for fees must be filed within 20 days after service of the motion or proposed form of judgment seeking Rule 54(b) treatment, or by such other date as the court may order.

**(ii)** If the court declines to enter **final** judgment under Rule 54(b), or no party seeks entry of **final** judgment under Rule 54(b), a motion for fees must be filed no later than 20 days after any decision is filed that adjudicates all remaining claims in the action, or 20 days after the action’s dismissal, whichever occurs first.

**(B) Adjudicating Fewer Than All Claims and Liabilities of a Party.** If a decision **or judgment** adjudicates fewer than all claims and liabilities of a party, a motion for fees must be filed no later than 20 days after any decision is filed that adjudicates all remaining claims in the action, or 20 days after the action’s dismissal, whichever occurs first.

\* \* \*

**(h) Proposed Forms of Judgment.**

**(1) Including Costs and Fees in Final Judgment.** Except as otherwise allowed by this rule:

**(A)** claims for attorney’s fees and costs must be resolved before any **final** judgment may be entered under Rule 54(b) or (c); and

**(B)** any award of attorney’s fees or costs must be included in the **final** judgment.

**(2) Form of Judgment.** When a **final** judgment is required to include fees or costs:

**(A)** If fees are requested, the form of judgment must either state the specific sum of attorney’s fees awarded by the court, or must include a blank in the form of judgment to allow the court to include an amount for any attorney’s fees.

(B) If costs are requested, the form of judgment must either state the specific sum of costs awarded by the court, or must include a blank in the form of judgment to allow the court to include an amount for costs.

~~(3) (C) Omission of Costs or Fees in Final Judgment.~~ If the court enters a final judgment under Rule 54(b) or (c) without first receiving a motion for judgment or a proposed form of judgment, a prevailing party seeking costs and/or fees must file a motion to alter or amend the judgment within the time required by Rule 59(d).

(i) **Scope; Jurisdiction.**

\* \* \*

(2) **Jurisdiction.** If a final judgment is entered certified under Rule 54(b) that adjudicates fewer than all of the claims and liabilities of any party, the court retains jurisdiction:

(A) to award costs with respect to that judgment, if a request for costs is timely filed under Rule 54(f); and

(B) to award attorney’s fees with respect to that judgment, if a motion for fees is timely filed under Rule 54(g).

**Comment**

**2017 Amendments**

In addition to stylistic and organizational changes, the 2017 amendments make several clarifying and substantive changes to the rule:

**Rule 54(a).** The former rule is clarified to define the term “decision,” which is used elsewhere in the rule.

**Rule 54(f).** The former rule did not require costs to be included in a final judgment, and allowed a party seeking costs to file a request for costs within 10 days after entry of judgment. Under the amended rule, a prevailing party seeking both fees and costs must file its request for costs at the same time as its motion for attorney’s fees under Rule 54(g). [Rule 54(f)(1)] In other cases, if the decision adjudicates all claims in the case and final judgment is to be entered under Rule 54(c), a request for costs must be filed within 20 days after the decision is filed. [54(f)(2)(A)] For decisions subject to Rule 54(b), the time for requesting costs differs according to whether the decision adjudicates *all* claims or liabilities of a party, or adjudicates *fewer* than all claims or liabilities of a party. [Cf. Rule 54(f)(2)(B) with 54(f)(2)(C)] If a decision subject to Rule 54(b) adjudicates all claims or liabilities of a party (with the result that the party would effectively be out of the case), a request for costs must be filed within 20 days after any motion or proposed form of judgment seeking entry of judgment under Rule 54(b) is served. [Rule 54(f)(2)(B)(i)] If the court declines to grant Rule 54(b) treatment, or if no party seeks Rule 54(b) certification, then the request for costs may be deferred until the conclusion of the action. [Rule 54(f)(2)(B)(ii)] Similarly, if a decision or judgment subject to Rule 54(b) does not

adjudicate all claims or liabilities of a party, the prevailing party may defer seeking costs until the conclusion of the action. [Rule 54(f)(2)(C) (request must be filed “no later than 20 days after any decision is filed that adjudicates all remaining claims in the action, or 20 days after the action’s dismissal, whichever occurs first”)] Rule 54(f)(2)(D) is amended to provide for a response and a reply to a request for costs.

**Rule 54(g).** Rule 54(g)(1) is amended to provide that a claim for attorney’s fees must be made in the pleadings “or in a Rule 12 motion filed before the movant’s responsive pleading.” The new language codifies the holding of *Balestrieri v. Balestrieri*, 232 Ariz. 25, 27, 300 P.3d 560, 562 (App. 2013) (fee request made in a motion to dismiss, in lieu of a responsive pleading, satisfied the rule’s requirement). Rule 54(g)(4) is amended to require that a movant’s affidavit “must disclose the terms of any fee agreement for the services for which the claim is made.”

The amendments to subdivision (g) also alter the deadline for filing a motion for attorney’s fees, similar to the Rule 54(f) amendments governing the time for requesting costs. Former Rule 54(g)(1) provided that a “motion for attorneys’ fees shall be filed within 20 days from the clerk’s mailing of a decision on the merits of the cause,” without distinguishing between decisions that result in a final judgment under Rules 54(b) or (c), and those decisions that do not result in **such a final** judgment. The amended rule provides that if a decision adjudicates *all* claims in the action and judgment is to be entered under Rule 54(c), a motion for fees must be filed within 20 days after the decision is filed. [Rule 54(g)(2)] If a decision subject to Rule 54(b) adjudicates *all* claims or liabilities of a party, a motion for attorney’s fees must be filed within 20 days after any motion or proposed form of judgment seeking entry of judgment under Rule 54(b) is served. [Rule 54(g)(3)(A)(i)] If the court declines to enter **final** judgment under Rule 54(b), or if no party seeks entry of **final** judgment under Rule 54(b), then the motion for fees may be deferred until the conclusion of the action. [Rule 54(g)(3)(A)(ii)(motion must be filed “no later than 20 days after any decision is filed that adjudicates all remaining claims in the action, or 20 days after the actions dismissal, whichever occurs first.”)] Similarly, if a decision subject to Rule 54(b) adjudicates *fewer* than all claims or liabilities of a party, the motion for fees also may be deferred until the conclusion of the action. [Rule 54(g)(3)(B)]

**Rule 54(h).** New subdivision (h) is added, incorporating portions of former Rule 58 governing forms of judgment. Except where the rule expressly allows a motion for fees or request for costs to be deferred, subdivision (h)(1)(A) requires that claims for attorney’s fees and costs must be resolved before **final** judgment is entered. The amount of any such costs and fees must be included in the **final** judgment. [Rule 54(h)(1)(B)] Any proposed form of judgment must either state the amount of fees or costs awarded by the court, or include a blank where those amounts can be added by the court. [Rule 54(h)(2)(A) and (B)] In the rare instance where a court enters a ~~final~~ judgment that should include fees or costs without first receiving a motion for judgment or a proposed form of judgment, Rule 54(h)(**32**)(C) clarifies that a prevailing party may move to alter or amend the judgment to include omitted fees or costs within the time allowed by Rule 59(d). Absent a timely motion under Rule 59(d), a judgment omitting fees or costs will be final for purposes of appeal.

**Rule 59. New Trial; Altering or Amending a Judgment**

(a) **Generally.** ~~This rule governs motions for a new trial or to alter or amend a judgment following a trial, the grant of summary judgment, or other proceeding that results in a final judgment.~~

(1) **Grounds for New Trial.** The court may, on motion, grant a new trial on all or some of the issues—and to any party—on any of the following grounds materially affecting that party’s rights:

- (A) any irregularity in the proceedings or abuse of discretion depriving the party of a fair trial;
- (B) misconduct of the jury or prevailing party;
- (C) accident or surprise that could not reasonably have been prevented;
- (D) newly discovered material evidence that could not have been discovered and produced at the trial with reasonable diligence;
- (E) excessive or insufficient damages;
- (F) error in the admission or rejection of evidence, error in giving or refusing jury instructions, or other errors of law at the trial or during the action;
- (G) the verdict is the result of passion or prejudice; or
- (H) the verdict, decision, findings of fact, or judgment is not supported by the evidence or is contrary to law.

(2) **Further Action After a Nonjury Trial.** After a nonjury trial, the court may, on motion for a new trial, vacate the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

\* \* \*

**Rule 62. Stay of Proceedings to Enforce a Judgment**

(a) **No Automatic Stay.** Except as provided in Arizona Rule of Civil Appellate Procedure 7 or as otherwise ordered by the court, an interlocutory or final judgment—including in an action for an injunction or a receivership—is not stayed after being entered, even if an appeal is taken.

\* \* \*

**Form 4. Uniform Interrogatories for use in Medical Malpractice Cases**  
**SET A. (TO INDIVIDUAL HEALTH CARE PROVIDER)**

\* \* \*

**IV. WITNESSES AND EXHIBITS**

\* \* \*

**Interrogatory No. 20:** Other than as disclosed above, are you aware of any person who may have or claims to have knowledge of the history or background of the injured person/decedent whom you may call as a witness in this action? (The “history or background of the injured person/decedent” as used in this interrogatory is intended to have the broadest possible reference to the injured person/decedent’s background, including, but not limited to any of the following that may apply: the injured person/decedent’s personal, employment, academic, military, criminal, financial, religious, social or marital background.) If so, please state:

A. The name and address of each person.

B. The occupation and employer of each person.

C. The nature and substance of the information concerning the injured person/decedent of which each person has knowledge.

\* \* \*

**V. MISCELLANEOUS**

**Interrogatory No. 27:** Is it your contention that the injured person/decedent’s injuries/death was/were caused in whole or in part by the fault of some person or persons other than yourself, whether named as a party in this action or not, or that some such other person or persons may have or share in the legal responsibility for the injuries set forth in injured person/decedent’s pleadings? If so, please state:

A. The name and present or last known address and telephone number of each such person or entity.

B. Each act or omission by which you contend such person is at fault for causing injured person/decedent’s injuries.

C. The relationship of each person or entity, if any, to you or to any other party in this action.

\* \* \*

**SET B. (TO INSTITUTIONAL HEALTH CARE PROVIDER)**

\* \* \*

**Interrogatory No. 5:** Other than as disclosed above, are you aware of any person who may have or claims to have knowledge of the history or background of the injured person/decedent whom you may call as a witness in this action? (The “history or

background of injured person/decedent)'' as used in this interrogatory is intended to have the broadest possible reference to the injured person/decedent's background, including, but not limited to, any of the following that may apply: injured person/decedent's personal, employment, academic, military, criminal, financial, religious, social or marital background.) If so, please state:

A. The name, present or last known address and telephone number of each person.

B. The occupation and present or last known employer of each person.

C. The nature and substance of the information concerning the injured person/decedent of which each person has knowledge.

\* \* \*

## II. GENERAL

**Interrogatory No. 9:** Please identify by name, present or last known address, telephone number, and present or last known employer each and every registered nurse, licensed practical nurse, nurses' aide, nursing assistant, orderly, or other health care provider or care giver who had anything to do with the care of injured person/decedent during the following shifts: \_\_\_\_\_

\* \* \*

## III. RECORDS

\* \* \*

**Interrogatory No. 16:** Were any incident reports, quality assurance reports, written memoranda, or other reports made which relate to any aspect of the injured person/decedent's care while the injured person/decedent was a patient or resident of the institution or which concerns the injuries-/death or cause of injury-/death of the injured person/decedent or concerning an investigation into injured person/decedent's injury/death? \_\_\_ If yes, please state for each such report:

A. The name, present or last known address and telephone number and title of the person who made it.

B. The date and time it was made.

C. The name, present or last known address, telephone number and title of each person who has custody of the written report or any copy thereof.

**Interrogatory No. 17:** Please state whether any meetings or hearings were held by any committee, or other group, at which the injured person/decedent or any of the incident(s) in question were discussed. \_\_\_ If so, please state the following with respect to each such meeting or hearing:

A. The date and place where it was held.

B. The name of each person present.

C. Whether any written memoranda or minutes were made of the meeting.

D. Each written or documentary item submitted to the committee or group.

E. As to each item set forth in subsections (A) and (D) above, please state whether you contend the item is privileged (i.e., not subject to discovery) and the precise basis of the claim.

\* \* \*

## V. MISCELLANEOUS

**Interrogatory No. 23:** Is it your contention that the injured person/decedent's injuries/death were/was caused in whole or in part by the fault of some person or persons other than yourself, whether named as a party in this action or not, or that some such other person or persons may have or share in the legal responsibility for the injuries set forth in Plaintiff(s)' pleadings? \_\_\_ If so, please state:

A. The name, present or last known address and telephone number of each such person or entity.

B. Each act or omission by which you contend such person is at fault for causing the injured person/decedent's injuries-/death.

C. The relationship of each person or entity, if any, to you or to any other party in this action.

**Interrogatory No. 24:** Have you entered into any agreement or covenant with any other person or entity in any way compromising, settling, and/or limiting the liability or potential liability for any party to the claim arising out of the occurrence alleged in Plaintiff(s)' pleadings? \_\_\_ If so, please set forth the following:

A. The name, and present or last known address and telephone number of each person or entity with whom such agreement or covenant was made.

B. The date of each such agreement or covenant.

C. Is the agreement or covenant in writing? \_\_\_ If so, please state the name, present or last known address and telephone number of the individual who has custody and control of a copy of each such agreement or covenant.

D. The terms of each such agreement or covenant.

E. The consideration paid for each such agreement or covenant.

F. Whether you claim that the agreement or covenant is confidential and, if so, the legal and factual basis for such claim.

**Interrogatory No. 25:** As to any affirmative defenses you allege, please state the factual basis of and describe each such affirmative defense, the evidence which will be offered at trial concerning any such alleged affirmative defense, including the names of any witnesses

who will testify in support of the defense, and the descriptions of any exhibits which will be offered to establish each such affirmative defense.

\* \* \*

**SET C. (TO AN INDIVIDUAL)**

(These interrogatories should be answered to provide information regarding each person claiming damages in this action and also regarding the decedent if a wrongful death action.)

**I. GENERAL INFORMATION & BACKGROUND**

\* \* \*

**Interrogatory No. 3:** Have you ever been a party to a civil action or arbitration proceeding? \_\_\_\_\_

If so, please state:

- A. The names and designations (Plaintiff, Defendant, intervenor, garnishee, etc.) of all parties to each such action;
- B. The cause number, state, and tribunal where each such action was filed;
- C. The names and address of any lawyers representing any parties to each such action;
- D. The general nature of the claims and defenses, including any allegations made against you; and
- E. How the claims against you were resolved.

**Interrogatory No. 4:** Have you ever been convicted of a felony? \_\_\_\_\_

If so, please state:

- A. The original charge made against you.
- B. The charge of which you were convicted.
- C. Whether you pled guilty to the charge, or were you convicted after trial.
- D. The name and address of the court where the proceedings took place.
- E. Date of conviction or date plea entered.

**II. EDUCATION, EMPLOYMENT, ACTIVITIES AND IMPAIRMENT**

\* \* \*

**Interrogatory No. 8:** Do you claim to have lost any time from gainful employment as a result of the incident in question? \_\_\_\_\_

If so, please state:

- A. The specific condition which you claim caused the loss of time.
- B. The amount of time lost.

C. The rate of pay or compensation regularly received from each such gainful employment.

D. The total amount and your method of computation of damage, if any, as a result of the time lost.

E. Whether you have in your possession or control any records or other written memoranda which show or purport to show any or all of the amount of your income for the five (5) years preceding the incident in question to the present time, including a brief description of each such record or memorandum and the person who has it or controls it.

**Interrogatory No. 9:** Do you claim your earning capacity will be impaired as a result of the incident in question? \_\_\_\_;

If so, please state:

A. The manner in which the condition will impair your ability to work.

B. Name and address of each person who had advised you concerning the impairment.

**Interrogatory No. 10:** Have you received any special education or training for any type of work? \_\_\_\_;

If so, please state:

A. The names and addresses of the training or education institutions attended and the dates of attendance.

B. The names, addresses and inclusive dates of employment by employers from whom you received on-the-job training.

**Interrogatory No. 11:** Do you claim that as a result of the incident in question you have lost any opportunities for advancement or promotion in your employment? \_\_\_\_;

If so, please state:

A. What opportunities would have been available had the incident in question not occurred.

B. When would each opportunity have been available.

C. The amount of monetary damages you allege you have lost as a result of said lost opportunity, and how you calculate those damages.

### III. INVESTIGATION

**Interrogatory No. 12:** Have you or anyone acting on your behalf interviewed or spoken with any party, or its agents, servants or employees, about the events in question? \_\_\_\_;

If so, please state who was present, when and where such conversation took place and the substance of any such conversations including, but not limited to, any statement or admission made by a party.

**Interrogatory No. 13:** Are you aware of the existence of any oral, written or recorded statement or admission made or claimed to have been made, by any party or witness? \_\_\_\_.

If so, please state:

A. The name, present or last known address and telephone number of each person making the statement or admission.

B. The date of the statement or admission.

C. The name, present or last known employer, occupation and present or last known address of the person or persons taking or hearing the statement or admission.

D. The name and present or last known address and telephone number of the person now in possession of a written or recorded admission.

#### IV. INJURIES & DAMAGES

\* \* \*

**Interrogatory No. 15:** Do you claim any of your injuries are permanent? \_\_\_\_:

If so, please state:

A. What, if any, pains do you contend such injuries will cause in the future.

B. Whether you believe the pains will be alleviated (and if so, when), or whether the pains are permanent.

C. What, if any, disabilities do you contend such injuries will cause.

D. Whether you believe the disabilities are permanent or, if not, when they might be resolved.

E. The name, profession and specialty, if any, of any medical practitioner who has provided you with any of the information given in answers (A) through (D).

#### V. PRIOR AND SUBSEQUENT INJURIES/TREATMENT

**Interrogatory No. 16:** Have you been in a medical institution since the incident in question? \_\_\_\_:

If so, please state:

A. The person.

B. The name and location of each medical institution in which each person stayed.

C. The dates of each stay.

D. The conditions treated during each stay.

E. The nature of the treatment rendered during each stay.

\* \* \*

**Interrogatory No. 20:** Since the incident in question, have you suffered any injuries? \_\_\_\_;

If so, please state:

- A. The date and place.
- B. How the injury was sustained.
- C. A detailed description of each injury received.
- D. The name and address of each medical practitioner rendering treatment.
- E. The nature and extent of any permanent disability.
- F. The name and address of each person or organization against whom a claim was made, and/or from whom payments were received, for any such injury.

**Interrogatory No. 21:** Have you ever made any claim for money damages against anyone, group, organization, corporation, industrial commission or any entity for any reason? \_\_\_\_;

If so, for each claim please state:

- A. The complete caption of any lawsuit, arbitration, or other judicial or non-judicial proceeding in which the claim was made.
- B. The current status of the claim (pending, settled, on appeal, etc.).
- C. The amount of any compensation you received, if any, related to the claim.

\* \* \*

## VI. MATTERS CONCERNING THE CONDUCT OF PARTIES

\* \* \*

**Interrogatory No. 24:** Do you allege that any agent, servant or employee of any party violated or failed to follow any rule, regulation, policy or procedure of a health care institution or of some other authority? \_\_\_\_; If so, please state:

- A. The identity of said rule, regulation, policy or procedure.
- B. How and by whom you allege said rule, regulation, policy or procedure was violated.
- C. How you allege said violation proximately caused injury to you.

**Interrogatory No. 25:** Do you contend that any agent, servant or employee of any party neglected to inform, instruct or warn you as to any matters relating to your condition, care or treatment? \_\_\_\_; If so, for each matter, please state:

- A. A description of what agent, servant or employee neglected to inform, instruct or warn you.
- B. Whether such failure or neglect contributed to any injury of which you complain, and if so, in what way and to what extent.

**Interrogatory No. 26:** Do you know of any person who is skilled in any particular field whom you may call as a witness at trial of this action and who has expressed an opinion on any issue of this action? \_\_\_;

\* \* \*

#### VIII. WITNESSES & EXHIBITS

\* \* \*

**Interrogatory No. 31:** At the time of trial, do you intend to use or refer to any textbook, periodical or other publication during direct examination of your witnesses? \_\_\_;

\_\_\_ If so, please provide the citation for any text or periodical you intend to use.

#### IX. COLLATERAL SOURCE

**Interrogatory No. 32:** Have you received, are you now receiving, or are you entitled to receive, collateral source benefits as enumerated in A.-R.S. § 12-565?

If so, please state:

- A. The amount of each and every payment.
- B. Schedule or frequency of such payments/benefits.
- C. If the payments have stopped, the date and reason the payments stopped.
- D. If the payments are still being received, the length of time you expect to receive these payments.
- E. If the benefits are stopped at some future time, please state when and under what circumstances the payments will terminate.
- F. The amount of payments you expect to receive in the future.

#### X. MISCELLANEOUS

**Interrogatory No. 33:** Have you entered into any agreement or agreements or covenants with any other person or entity in any way compromising, settling or in any way limiting such persons or entity's liability or potential liability for any claim, or part of any claim, arising out of the incident in question? \_\_\_;

If so, please state:

- A. The name and address of each person or entity with whom such agreement or covenant was made.
- B. The date of each such agreement or covenant.
- C. Whether the agreements or covenants are in writing. \_\_\_ If so, state the name and address of the individual who has custody and control of a copy of each such agreement or covenant.
- D. The terms of each such agreement or covenant.

E. The consideration paid for each such agreement or covenant.

**Interrogatory No. 34:** Have you asserted any claim against any person or entity, not a named party to this lawsuit, for any part of the loss or damage arising out of the incident in question? \_\_\_;

If so, state:

A. The name and last known address of each such person or entity.

B. The basis upon which the claim was asserted.

**Interrogatory No. 35:** Does any insurance company or any other person or organization have any interest in this action or any recovery herein by way of subrogation, assignment, trust receipt or otherwise, or has any such claim been asserted? \_\_\_; If so, please state the name and address of each such company, other person or organization and the nature and amount of any such claimed interest.

**Interrogatory No. 36:** Do you contend that any entries in the medical records/chart at issue are incorrect or inaccurate? \_\_\_;

If so, please state:

A. The precise entry (entries) that you think is/are incorrect or inaccurate.

B. What you contend the correct or accurate entry (entries) should have been.

C. The name, present or last known address and telephone number and present or last known employer of each and every person who has knowledge pertaining to (A) and (B).

D. A description, including the author and title of each and every document that you claim supports your answers to (A) and (B).

E. The name, present or last known address and telephone number of each and every person you intend to call as a witness in support of your contention.

\* \* \*

**Form 6. Contract Interrogatories**

\* \* \*

**GENERAL IDENTIFICATION AND BACKGROUND**

\* \* \*

**Interrogatory No. 3:** Have you done business under a fictitious name during the past 10 years? \_\_\_ If so, for each fictitious name, please state:

- A. The name;
- B. The dates used;
- C. The state and county where the fictitious name was filed; and
- D. The address of the principal place of business.

\* \* \*

**Form 9. Form of Subpoena**

Name:

Address:

City:

State:

Phone:

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF \_\_\_\_\_

_____	)	
Plaintiff	)	Case No.:
	)	
vs.	)	<b>SUBPOENA IN A CIVIL CASE</b>
	)	
_____	)	
Defendant	)	
	)	
	)	

---

**TO:** \_\_\_\_\_  
(Name of Recipient)

[Select one or more of the following, as appropriate:]

**For Attendance of Witnesses at Hearing or Trial**

**YOU ARE COMMANDED** to appear in the Superior Court of the State of Arizona, in and for the County of \_\_\_\_\_, at the place, date and time specified below to testify at  a hearing  trial in the above cause:

Judicial Officer:

Courtroom:

Address:

Date:

Time:

**[ ] For Taking of Depositions**

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above cause:

Place of Deposition:

Address:

Date:

Time:

Method of Recording:

**[ ] For Production of Documentary Evidence or Inspection of Premises**

**YOU ARE COMMANDED**, to produce and permit inspection, copying, testing, or sampling of the following designated documents, electronically stored information or tangible things, or to permit the inspection of premises:

[designation of documents, electronically stored information or tangible things, or the location of the premises to be inspected]

at the place, date, and time specified below:

Place of Production or Inspection:

Address:

Date:

Time:

[The following text must be included in every subpoena:]

**Your Duties in Responding To This Subpoena**

***Attendance at a Trial.*** If this subpoena commands you to appear at a trial, you must appear at the place, date and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. *See* Rule 45(b)(5) and Rule 45(e)(2) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. *See* Rule 45(b)(3)(A) of the Arizona Rules of Civil Procedure.

\* \* \*

***Production of Documentary Evidence.*** If this subpoena commands you to produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date, and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. You may object to the production of

electronically stored information from sources that you identify as not reasonably accessible because of undue burden or expense. *See* Rule 45(c)(2)(D) and (c)(5) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below. If this subpoena does not specify a form for producing electronically stored information, you **must may produce it in a native form in which it is ordinarily maintained** or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person, but you need not produce the same electronically stored information in more than one form. *See* Rule 45(c)(2)(B) and (C) of the Arizona Rules of Civil Procedure.

\* \* \*

SIGNED AND SEALED this date \_\_\_\_\_

\_\_\_\_\_, CLERK

By: \_\_\_\_\_

Deputy Clerk

Certificate of service: