

Exhibit 2—Redline version of proposed amendment to Arizona Rule of Civil Procedure 56(c)(3).

(3) *Supporting and Opposing Statements of Fact.*

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(A) Moving Party's Statement. ~~The~~Except as the court may order under Rule 56(c)(3)(D), the moving party must set forth, in a statement separate from the supporting memorandum, the specific facts relied on in support of the motion. The facts must be stated in concise, numbered paragraphs. The statement must cite the specific part of the record where support for each fact may be found.

(B) Opposing Party's Statement. ~~An~~Except as the court may order under Rule 56(c)(3)(D), an opposing party must file a statement in the form prescribed by Rule 56(c)(3)(A), specifying:

- (i) the numbered paragraphs in the moving party's statement that are disputed; and
- (ii) those facts that establish a genuine dispute or otherwise preclude summary judgment in favor of the moving party.

(C) Joint Statement. In addition or as an alternative to submitting separate statements under Rule 56(c)(3)(A) and (B), the moving and opposing parties may file a joint statement in the form prescribed by this rule, setting forth those facts that are undisputed. The joint statement may provide that any stipulation of fact is not binding for any purpose other than the summary judgment motion.

(D) No Separate Statements. The court may order that the parties forgo using separate statements of fact and controverting statements of fact. All evidence to support a motion, response, or reply that is not part of the record must be attached to the motion, response, or reply. The party must sequentially paginate the exhibits and cite to those specific pages in the motion, response, or reply. If a court adopts this protocol, a party may object to another party's evidence in a separate document not exceeding 10 pages. Any objection presented in the separate document must be stated concisely. A party cannot use such a separate document for any purpose other than such evidentiary objections.

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