

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-12-0024
PETITION TO AMEND RULE 9,)
ARIZONA RULES OF CIVIL APPELLATE) **FILED 08/28/2013**
PROCEDURE)
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**ORDER
PROMULGATING NEW RULE 9.1, RULES OF CIVIL APPELLATE PROCEDURE**

A petition having been filed proposing to add a rule governing the procedure for an appellate court to suspend an appeal and re-vest jurisdiction in the trial court to decide matters over which the trial court would otherwise lack jurisdiction, and no comments having been received, upon consideration,

IT IS ORDERED that Rule 9.1, Rules of Civil Appellate Procedure be promulgated in accordance with the attachment hereto, effective January 1, 2014.

DATED this _____ day of August, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution
John A Furlong

ATTACHMENT*

RULES OF CIVIL APPELLATE PROCEDURE

Rule 9.1. Suspension of Appeal and Revestment of Jurisdiction in the Superior Court

The appellate court may, upon its own initiative or upon stipulation or motion for good cause shown, suspend the appeal and revest jurisdiction in the superior court for the purpose of allowing it to consider and determine specified matters. The appellate court's order may include other terms and conditions, such as a date certain for automatic reinstatement of the appeal. The filing of a stipulation or motion under this rule does not extend any deadline in the appellate court or superior court.

Comment

The rule codifies the existing practice for revesting jurisdiction in the superior court to decide matters over which it would otherwise lack jurisdiction. See, e.g., In re Condry's Estate, 117 Ariz. 566, 568, 574 P.2d 54, 56 (App. 1977).

* Changes and additions to text are indicated by underscoring and deletions by ~~strikeouts~~.