

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-12-0043
PETITION TO AMEND RULES 7.1 AND)	
56, ARIZONA RULES OF CIVIL)	
PROCEDURE)	
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)	
)	FILED 08/28/2013

**ORDER
AMENDING RULES 7.1 AND 56, ARIZONA RULES OF CIVIL PROCEDURE**

A petition having been filed proposing to amend Rules 7.1 and 56, Arizona Rules of Civil Procedure, and no comments having been received, upon consideration,

IT IS ORDERED that Rules 7.1 and 56, Arizona Rules of Civil Procedure, be amended 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 Procedure

Rule 7.1. Civil Motion Practice

(a) – (e) [No change]

(f) Limitations on Motions to Strike.

(1) *Generally.* Unless made at trial or an evidentiary hearing, a motion to strike may be filed only if it is expressly authorized by statute or other rule, or if it seeks to strike any part of a filing or submission on the ground that it is prohibited, or not authorized, by a specific statute, rule, or court order. Unless the motion to strike is expressly authorized by statute or rule: (a) it may not exceed two (2) pages in length, including any supporting memorandum; (b) any responsive memorandum must be filed within five (5) days of service of the motion and may not exceed two (2) pages in length; and (c) no reply memorandum may be filed unless authorized by the court.

(2) *Objections to Admission of Evidence on Written Motions.* Subject to Rule 56(c)(4), governing motions for summary judgment, any objections to, and any arguments regarding the admissibility of, evidence offered in support of or in opposition to a motion must be presented in the objecting party's responsive or reply memorandum and may not be presented in a separate motion to strike or other separate filing. Any response to an objection must be included in the responding party's reply memorandum for the underlying motion and may not be presented in a separate responsive memorandum. If the evidence is offered for the first time in connection with a reply memorandum, the objecting party may file a separate objection limited to addressing the new evidence and not exceeding three (3) pages in length, within five (5) days after service of the reply memorandum. No responsive memorandum may be filed unless authorized by the court.

Rule 56(c). Motion and Proceedings.

(1) – (3) [No change]

* Additions to text are shown by underscoring; deletions by ~~strikeouts~~.

(4) Objections to the admissibility of evidence on motions for summary judgment shall be governed by Rule 7.1(f)(2), except that an objection may be included in a party's response to another party's separate statement of material facts in lieu of (or in addition to) including it in the party's responsive memorandum. Any objection presented in the party's response to the separate statement of material facts must be stated concisely.