

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-13-0040
PETITION TO AMEND RULE 23 OF)
THE RULES OF CIVIL PROCEDURE)
)
)
)
) **FILED 08/28/2013**
_____)

**ORDER
AMENDING RULE 23, ARIZONA RULES OF CIVIL PROCEDURE,
ON AN EXPEDITED BASIS**

A petition having been filed on July 11, 2013, by David K. Byers, proposing to amend Rule 23, Arizona Rules of Civil Procedure, on an expedited basis in response to the Legislature's recent passage of Senate Bill 1346 (Laws 2013, Chapter 241), which will become effective September 13, 2013, upon consideration,

IT IS ORDERED that Rule 23, Arizona Rules of Civil Procedure, be amended on an expedited basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto, effective September 13, 2013.

IT IS FURTHER ORDERED that this matter shall be opened for comment in accordance with Rule 28(G)(2), Rules of the Supreme Court, until October 25, 2013.

DATED this _____ day of August, 2013.

REBECCA WHITE BERCH
Chief Justice

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TO:

Rule 28 Distribution

David K Byers

Appendix¹

Arizona Rules of Civil Procedure

Rule 23. Class Actions

Rule 23(a)-(b). [No change in text.]

Rule 23(c). Determination by order whether class action to be maintained; notice; judgment; actions conducted partially as class actions

(1) As soon as practicable after the commencement of an action brought as a class action, the court shall hold a hearing and determine by written order whether it is to be so maintained. The court shall set forth its reasons and shall describe all evidence in support of its determination. An order under this subdivision may be conditional, and may be altered or amended before the decision on the merits.

(2) - (4) [No change in text.]

Rule 23(d)-(e). [No change in text.]

Rule 23(f). Appeals

The court's order certifying or denying class action status is appealable in the same manner as a final order or judgment. During the pendency of an appeal under A.R.S. § 12-1873, all discovery and other proceedings shall be stayed except that, on motion of a party, the court may permit discovery proceedings to continue.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.