

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 11/14/2013**
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 _____)

**ORDER
AMENDING RULE 23, ARIZONA RULES OF CIVIL PROCEDURE,
ON A PERMANENT BASIS**

Rule 23, Arizona Rules of Civil Procedure was amended on an expedited basis effective September 13, 2013, with a comment period ending October 25, 2013. No comments were filed. Upon consideration,

IT IS ORDERED that Rule 23, Arizona Rules of Civil Procedure, be amended on a permanent basis in accordance with the attachment hereto.

DATED this 14th day of November, 2013.

REBECCA WHITE BERCH
Chief Justice

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TO:
Rule 28 Distribution
David K Byers

ATTACHMENT¹

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~~.