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8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 In the Matter of:

11 **PETITION TO AMEND RULES**
12 **4(e), 8(a) AND 12(d) OF THE**
13 **SUPERIOR COURT RULES OF**
14 **APPELLATE PROCEDURE—**
15 **CIVIL**

Supreme Court No. R-

Petition to Amend
Rules 4(e), 8(a) and 12(d),
Superior Court Rules of
Appellate Procedure—Civil

16 Pursuant to Rule 28, Ariz. R. Sup. Ct., the Maricopa County Justice Courts
17 respectfully petitions this Court to amend the Superior Court Rules of Appellate
18 Procedure—Civil. As they currently stand, these Rules cross reference to the
19 Arizona Rules of Civil Procedure. However, the Arizona Rules of Civil Procedure
20 only apply to Superior Court, which appeals its cases to the Arizona Court of
21 Appeals. As such, the Superior Court Rules of Appellate Procedure—Civil, should
22 cross reference to the Justice Court Rules of Civil Procedure. The Justice Courts
23 currently appeal their decisions to Superior Court. Without these changes, a litigant
24 from the Justice Court would be referencing the incorrect set of Court rules
25 (Arizona Rules of Civil Procedure), should they appeal their case to Superior
Court.

1 **Proposal**

2 The following Superior Court Rules of Appellate Procedure—Civil
3 incorrectly cross references the Arizona Rules of Civil Procedure. The
4 corresponding Justice Court Rules of Civil Procedure are suggested:

5 **Rule 4(e)(1):** “Granting or denying a motion for judgment notwithstanding
6 the verdict pursuant to *Ariz. Rules of Civil Proc. 50(b).*” This should reference to
7 Justice Court Rules of Civil Procedure **134(b)** – Motion for Judgment as a Matter
8 of Law.

9 **Rule 4(e)(2):** “Granting or denying a motion to amend or make additional
10 findings of fact pursuant to *Ariz. Rules of Civil Proc. 52(b)*, whether or not
11 granting the motion would alter the judgment.” This should reference to Justice
12 Court Rules of Civil Procedure **135** – Findings in a Trial Without a Jury.

13 **Rule 4(e)(3):** “Granting or denying a motion to alter or amend the judgment
14 pursuant to *Ariz. Rules of Civil Proc. 59(l).*” This should reference to Justice Court
15 Rules of Civil Procedure **138(c)** – Motion to Alter or to Amend a Judgment.

16 **Rule 4(e)(4):** “Denying a motion for a new trial pursuant to *Ariz. Rules of*
17 *Civil Proc. 59(a).*” This should reference to Justice Court Rules of Civil Procedure
18 **138(a)** – Grounds and Procedure.

19 **Rule 8(a)(2):** Copies of the memoranda shall be served on opposing parties
20 or counsel consistent with *Ariz. Rules of Civil Proc. 5. . .*” This should reference to
21 Justice Court Rules of Civil Procedure **120** - Providing Documents to Other Parties
22 (“Serving Documents”) After the Summons and Complaint.
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