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JANET JOHNSON
CLERK SUPREME COURT
BY: adc

R-19-0035

SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

Janet E. Barton
Presiding Judge

Old Courthouse
125 West Washington, 5th Floor
Phoenix, Arizona 85003
Office (602) 506-5340

April 26, 2019

Honorable Scott Bales
Chief Justice
Arizona Supreme Court
1501 W. Washington
Phoenix, AZ 85007

Re: Request to Amend Superior Court Local Rules – Maricopa County

Dear Chief Justice Bales,

Pursuant to Rule 28.1 of the Rules of the Supreme Court, I request your approval to amend the Superior Court Local Rules – Maricopa County. The proposed rule amendments were approved by a majority of the judges of the Superior Court for Maricopa County (the "Court") on February 20, 2019. The proposed rule amendments were then posted on the Court's website for 30 days, in accordance with Rule 28.1(d). The Court received two comments to the proposed amendments, which are attached.

The amendments to Local Rule 2.16, Size of Print; Local Rule 2.18, Motions, Pleadings and Other Documents; Local Rule 3.2, Civil Motions, Stipulations, Notices of Settlement, and Proposed Forms of Order; Local Rule 3.6, Dismissals for Failure to Prosecute; and Local Rule 3.11, Mandatory Settlement Conferences are necessary to bring these rules into conformity with the recently revised Arizona Rules of Civil Procedure. The Court seeks to eliminate Local Rules 2.19 and 2.20 governing the sealing and unsealing of documents because the process is now fully set forth in Rule 5.4 of the Rules of Civil Procedure. Likewise, the Court seeks to eliminate Local Rule 3.4, Setting Cases for Trial and Postponements, because the process is fully set forth in Rule 38.1 of the Rules of Civil Procedure.

The Court is requesting the addition of new Local Rule 3.12, Maricopa County Superior Court's Complex Civil Litigation Program, due to the fact that the rules governing the pilot program were deleted from the Arizona Rules of Civil Procedure, and the program is now permanently adopted by the Court. Finally, the Court is requesting the addition of new Local Rule 3.13, Applications for Garnishment, Continuing Lien, Judgment Against Garnishee. This new Local Rule will assist in the timely case processing of garnishments, liens, and judgments against garnishees by instructing parties on how to properly caption these pleadings, requiring applicants to include a

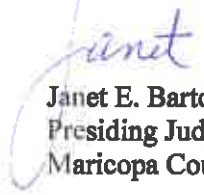
copy of a garnishee's answer in applying for a continuing lien or judgment, and requiring applicants to use the garnishment packet created by the Court's Civil Department.

In response to the two public comments the Court received the first comment takes issue with the language in Local Rule 2.16 regarding the filing of exhibits not otherwise in compliance with page margins and type size. We took this proposed language from the *current* Rule of Civil Procedure 5.2(b)(1)(C)(iii). The Court also believes that the exception incorporated in the proposed rule is sufficiently broad to address the comment's concern.

The second comment concerns the timeframe for objecting to the designation of a case as complex in proposed Local Rule 3.12(a)(4). Specifically, the commenter has concerns that 3.12(a)(4)—requiring the objection to the designation of a case as complex be filed before or with the responsive pleading—does not address situations in which the *defendant* is the party certifying a case as complex. The commenter points out that the plaintiff often will not be filing a responsive pleading to the defendant's answer; and suggests a timeframe of ten days in which another party can object to a complex certification. In response to this comment, we are proposing additional language to Local Rule 3.12(a)(4) (in red in Attachment "A" below) that incorporates both the comments concern and proposed solution.

I appreciate your time in reviewing and approving these changes to the Superior Court Local Rules – Maricopa County.

Sincerely,



Janet E. Barton
Presiding Judge
Maricopa County Superior Court

IN THE SUPERIOR COURT

OF THE STATE OF ARIZONA,
MARICOPA COUNTY

ORDER AMENDING
LOCAL RULES OF PRACTICE,
MARICOPA COUNTY SUPERIOR COURT

A majority of the judges of the Maricopa County Superior Court having approved, pursuant to Rule 28.1, R. Ariz. Sup. Ct., the proposed amendments to its Local Rules of Practice,

IT IS ORDERED amending Rules 2.16, 2.18, 3.2, 3.6, and 3.11; abrogating Rules 2.19, 2.20, and 3.4; and adding Rules 3.12 and 3.13, Local Rules of Practice for the Maricopa County Superior Court, in accordance with the attachment hereto as Exhibit A, effective _____, 2019.

DATED in the City of Phoenix, Arizona, this 26th day of April, 2019.

Janet E. Barton

Janet E. Barton, Presiding Judge
Maricopa County Superior Court

APPROVED this ____ day of _____, 2019.

_____

Scott Bales, Chief Justice
Arizona Supreme Court

ATTACHMENT A

LOCAL RULES OF PRACTICE FOR THE MARICOPA COUNTY SUPERIOR COURT

Rule 2.16. Size of Print

~~The typeface used in all pleadings, motions and other original documents (including text, quotations and footnotes)~~ Every typed document filed with the Clerk of the Superior Court ~~shall be no smaller than twelve (12) point~~ must use at least a 13-point type size, including text quotations and footnotes. This rule does not apply to self-service center documents and other documents generated by the court and prepared in a format approved by the Presiding Judge. In addition, an exhibit, an attachment to a document, or a document from a jurisdiction other than the State of Arizona not in compliance with this provision may be filed only if it appears that compliance is not reasonably practicable.

Rule 2.18. Motions, Pleadings, and Other Documents

All original motions, pleadings and documents, except as indicated in ~~Rule 5(g),~~ the Arizona Rules of Civil Procedure, must be filed with the Clerk of the Superior Court and will not constitute part of the records of the court until so filed.

Rule 2.19. Sealing or Redacting Court Records [Rescinded.]

~~**a. Request to Seal or Redact Court Records; Service.** Any person may request that the court seal or allow the filing of a redacted court record for a case that is subject to these rules by filing a written motion, or the court may, upon its own motion, initiate proceedings to seal or allow the filing of a redacted court record. A motion to seal or allow the filing of a redacted court record must disclose in its title that sealing or redaction is being sought. The motion must be served on all parties in accordance with the applicable rules of service for the case type.~~

~~**b. Hearing.** The court may conduct a hearing on a motion to seal or allow the filing of a redacted court record.~~

~~**c. Grounds to Seal or Redact; Written Findings Required.** The court may order the court files and records, or any part thereof, to be sealed or redacted, provided the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling interests that outweigh the public interest in access to the court record. The findings should include the following:~~

~~(1) there exists a compelling interest that overcomes the right of public access to the record;~~

~~(2) the compelling interest supports sealing or redacting the record;~~

~~(3) a substantial probability exists that the compelling interest will be prejudiced if the record is not sealed or redacted;~~

~~(4) the proposed sealing or redaction is narrowly tailored; and~~

~~(5) no less restrictive means exist to achieve the compelling interest.~~

Rule 2.20. Unsealing Court Records [Rescinded.]

~~a. Access. Court records that are sealed may be examined by judicial officers. Access by the public to sealed records will only be allowed after entry of a court order in accordance with this rule.~~

~~b. Motion; Service. A sealed court record shall be unsealed only upon stipulation of all the parties, upon the court's own motion, or upon a motion filed by a named party or another person. A motion to unseal a court record must be served on all parties to the action in accordance with the applicable rules of service for the case type. If the movant cannot locate a party for service after making a good faith effort to do so, the movant may file an affidavit setting forth the efforts to locate the party and requesting that the court waive the service requirements of this rule. The court may waive the service requirement if it finds that further good faith efforts to locate the party are not likely to be successful.~~

~~c. Hearing. Any party opposing the motion shall appear and show cause why the motion should not be granted. The responding party must show that compelling circumstances continue to exist or that other grounds provide a sufficient legal or factual basis for keeping the record sealed.~~

Rule 3.2. Civil Motions; Stipulations, Notices of Settlement, and Proposed Forms of Order

a. Copies to Trial Judge. [Rescinded].

b. Motions for Default Judgment. Unless the motion is e-filed, p~~P~~arties seeking a civil default judgment by motion ~~shall~~ must submit to the assigned civil commissioner's division a default judgment cover sheet and associated documents in the format required by Administrative Order.

c. Post-Trial Motions. All post-trial motions ~~shall~~ must specify in the caption the name of the judge who tried the case~~,~~. ~~and shall,~~ ~~w~~Where possible, the post-trial motions should be heard by that judge.

d. Oral Argument; Submitted Motions. All motions ~~shall be~~ are deemed submitted upon memoranda unless the motion, response or reply contains in the caption the words "Oral Argument Requested." The court may, in its discretion, order, allow, or deny oral argument on any motion consistent with the Arizona Rules of Civil Procedure.

e. Telephone Argument and Conferences. The court may, in its discretion, order or allow oral argument on any motion or other proceeding by speaker telephone conference call, or regular telephone conference call, provided that all conversations of all parties are audible to each participant and the judge. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the judge ~~shall~~ deems practicable. Counsel ~~shall~~ must schedule such calls at a time convenient to all parties and the judge. The judge may direct which party ~~shall~~ must pay the cost of the call.

f. Length of Motions and Memoranda. ~~Unless otherwise permitted by the court, a motion including its supporting memorandum, and the response including its supporting memorandum, each shall not exceed fifteen (15) pages, exclusive of attachments and any required statement of facts. Unless otherwise permitted by the court, a reply including its supporting memorandum shall not exceed ten (10) pages, exclusive of attachments.~~ The length of motions, responses, replies and memoranda are governed by the Arizona Rules of Civil Procedure.

g. Motions for Summary Judgment. [Rescinded].

h. Motions to Compel. When a motion for an order compelling discovery is brought pursuant to Rule 37 of the Arizona Rules of Civil Procedure or Rule 65(A)(2) of the Arizona Rules of Family Law Procedure, the moving party ~~shall~~ must set forth, separately from a memorandum of law, the following in separate, distinct, numbered paragraphs:

(1) the question propounded, the interrogatory submitted, the designation requested or the inspection requested;

(2) the answer, designation or response received; and

(3) the reason(s) why said answer, designation, or response is deficient.

The foregoing ~~requirement shall not apply~~requirements do not apply to expedited discovery proceedings under Rule 26(d) of the Arizona Rules of Civil Procedure, or where there has been a complete and total failure to respond to a discovery request or set of discovery requests.

i. Stipulations and Notices of Settlement; Proposed Forms of Orders.

(1) All stipulations ~~shall~~ must be accompanied by a proposed form of order. If the order is signed, no minute entry ~~shall~~ will issue.

(2) All stipulations to dismiss or for the entry of judgment ~~shall~~ must indicate whether the stipulation disposes of the entire case.

(3) All notices of settlement ~~shall~~ must indicate whether the settlement disposes of the entire case.

(4) Unless the case is subject to e-filing, any motion or stipulation accompanied by a proposed form of order ~~shall~~ must also include with it copies to be conformed, together with envelopes

stamped and addressed to each party who has entered an appearance in the case. If the order is signed, no minute entry ~~shall~~ will issue.

Rule 3.4. Setting Cases for Trial and Postponements [Rescinded.]

~~Any party desiring to have a civil case set for trial shall follow the procedures set forth in Rule 38.1, Arizona Rules of Civil Procedure. All Motions to Set and Certificates of Readiness shall certify, in accordance with the provisions of Rule 38.1(a)(3)(i), Arizona Rules of Civil Procedure, that the parties have completed, or will have had a reasonable opportunity to complete, the procedures under Rules 26 to 37 of the Arizona Rules of Civil Procedure within sixty (60) days after the filing of the Motion to Set and Certificate of Readiness.~~

~~When an action has been set for trial, no trial continuance shall be granted except upon a finding of good cause.~~

Rule 3.6. Dismissals for Failure ~~of Prosecution~~to Prosecute

a. Grounds for Dismissal. ~~Any~~In addition to the grounds for dismissal set forth in Rule 38.1(d)(1) of the Arizona Rules of Civil Procedure, any civil action ~~shall~~ will be dismissed for failure to prosecute upon written motion and notice to opposing counsel, at the discretion of the court, upon the following grounds and conditions:

(1) failure to comply with Rule 2.3 of these rules within two (2) months after the date of the order for a new trial, or the date of the filing of the mandate of an appellate court; or

(2) ~~failure to comply with Rule 38.1(d), Arizona Rules of Civil Procedure; or~~

~~(3)~~ for other appropriate reasons.

b. Exception for Military Service. No dismissal ~~shall~~ will be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.

c. Settlement without Final Judgment. ~~After a case has been set for trial and the parties have announced settlement without presenting~~On receiving a notice of settlement of any case set for trial, the action will be placed on the Dismissal Calendar. Dismissal is governed by Rule 38.1 of the Arizona Rules of Civil Procedure. The parties must submit a final judgment or stipulation of dismissal to the court~~, the case shall be placed on the inactive calendar and shall be dismissed without further notice on a day approximately thirty (30) days thereafter, unless in the meantime final judgment shall have been filed and entered of record, or unless the court shall~~ within sixty (60) days after the case is placed on the Dismissal Calendar, or such other time as the court sets, unless the court extends the time for good cause shown~~, on motion of any party, reset the case for trial~~.

~~**d. Inactive Calendar. [Rescinded].**~~

Rule 3.11. Mandatory Settlement Conferences

a. Mandatory Settlement Conferences; Objectives. Except as to lower court appeals and cases subject to compulsory arbitration under A.R.S. § 12-133, in any action in which a ~~motion to set and certificate of readiness~~ scheduling order is filed, the court, at the request of any party, ~~shall~~ will, except for good cause shown, direct the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, to participate either in person or, with leave of court, by telephone, in a conference or conferences before trial for the purpose of facilitating settlement. ~~Unless otherwise ordered by the court, all requests for settlement conferences shall be made not later than sixty (60) days prior to trial.~~

At any time, on motion of a party, or on its own motion, the court may schedule a settlement conference pursuant to Rule 16.1, Arizona Rules of Civil Procedure. The provisions of subparagraphs (b) and (c) of this rule ~~shall~~ apply to such pre-trial settlement conferences.

b. Scheduling and Planning. The court ~~shall~~ will enter ~~a scheduling~~ an order that sets the date for the conference, a deadline for furnishing memoranda, and other matters appropriate in the circumstances of the case. ~~A schedule shall not be modified~~ A settlement conference will not be continued except by leave of court upon a showing of good cause.

c. Settlement Conference Memoranda. Each party ~~shall~~ must furnish the ~~court~~ settlement judge with a separate memorandum. The memorandum ~~shall~~ must not be filed with the Clerk of the Superior Court. Parties ~~shall~~ must exchange the memoranda with each other, or with the consent of all parties, furnish the memoranda ~~sealed to the division~~ only to the settlement judge assigned to the case. Each ~~memoranda~~ memorandum ~~shall~~ must address the following:

(1) a general description of the issues in the lawsuit, and the positions of each party with respect to each issue;

(2) a general description of the evidence that will be presented by each side with respect to each issue;

(3) a summary of the settlement negotiations that have previously occurred;

(4) an assessment by each party of the anticipated result if the matter did proceed to trial; and

(5) any other information each party believes will be helpful to the settlement process.

d. Discretion to Transfer. The court, upon its own motion, or upon the motion of a party, may transfer the settlement conference to another division of the court willing to conduct the settlement conference.

e. Sanctions. The provisions of Rule 16(~~i~~h), Arizona Rules of Civil Procedure, concerning sanctions ~~shall~~ apply to a conference provided for by this rule.

Rule 3.12. Complex Civil Litigation Program

a. Designation.

(1) Definition. A "complex civil action" is a civil action that requires continuous judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote an effective decision-making process by the court, the parties, and counsel.

(2) Factors. In deciding whether a civil action is a complex civil action under Rule 3.12(a)(1), the court must consider the following factors:

(A) numerous pretrial motions raising difficult or novel legal issues that will be time-consuming to resolve;

(B) management of a large number of witnesses or a substantial amount of documentary evidence;

(C) management of a large number of separately represented parties;

(D) coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court;

(E) substantial post judgment judicial supervision;

(F) the action would benefit from permanent assignment to a judge who would have acquired a substantial body of knowledge in a specific area of the law;

(G) inherently complex legal issues;

(H) factors justifying the expeditious resolution of an otherwise complex dispute; and

(I) any other factor that in the interests of justice warrants a complex designation or as otherwise required to serve the interests of justice.

(3) Procedure for Designating a Complex Civil Action.

(A) Designation by Plaintiff. When filing its initial complaint, a plaintiff may designate an action as a complex civil action by filing a motion and separate certificate of complexity identifying the case attributes in Rule 3.12(a)(2) justifying the designation. The certification must be served on the defendant along with the motion when the complaint is served.

(B) Designation by Defendant. If the plaintiff has not done so and if the court has not already ruled on whether the action is complex, a defendant may designate an action as complex by filing a motion and certificate of complexity as described in Rule 3.12(a)(3)(A) with or before the filing of defendant's first responsive pleading.

(C) Joint Designation. The parties may jointly designate an action as complex by filing a joint motion and certificate of complexity with or before the filing of any defendant's first responsive pleading.

(4) Procedure for Opposing Designation. If a ~~party~~ plaintiff has certified that an action is complex, the court has not previously declared the action to be a complex civil action, and another party disagrees with the ~~designating party's~~ plaintiff's certificate, the opposing party must file--no later than when that party files its first responsive pleading--a response to the

~~designating party's~~ plaintiff's motion and a controverting certificate that specifies the particular reason for the opposing party's disagreement with the ~~designating party's~~ plaintiff's certificate. If a defendant has certified that an action is complex, the court has not previously declared the action to be a complex civil action, and another party disagrees with the defendant's certificate, the opposing party must file—no later than 10 days after the motion and certificate of complexity are served—a response to the designating party's motion and a controverting certificate that specifies the particular reason for the opposing party's disagreement with the designating party's certificate.

(5) Effect of Signature. An attorney's or party's signature constitutes a certification by the signer that the signer has considered the applicability of this rule; that the signer has read the certificate of complexity or controverting certificate; that to the best of the signer's knowledge, information, and belief, formed after reasonable inquiry, it is warranted; and that the allegation of complexity is not made for any improper purpose. Rule 11(a) of the Arizona Rules of Civil Procedure applies to every certification of complexity filed under this rule.

(6) Action by Court.

(A) On Motion When Filing an Initial Pleading. The presiding superior court judge, or the judge's designee, must decide, with or without a hearing, whether the action is a complex civil action within 30 days after the filing of the response to the designating party's motion.

(B) Later Ruling. At any time during the pendency of an action, the court may, on motion or on its own, decide that a civil action is a complex civil action or that an action previously declared to be a complex civil action is not a complex civil action.

(C) Sanctions. If the court finds that the certificate of a party or its counsel designating an action as complex was not made in good faith, the court may--on motion or on its own--make such orders as are just, including, among others, any action authorized under Rule 11(c) of the Arizona Rules of Civil Procedure.

(7) Not Appealable. Parties do not have the right to appeal the court's decision regarding the designation of an action as complex or noncomplex.

b. Initial Case Management Conference.

(1) Conference: Subjects for Consideration. Once an action is determined to be a complex civil action under this Rule, the court must conduct an initial case management conference at the earliest practical date with all parties who have appeared in the action, and must promptly enter a Case Management Order after the conference. Among the subjects that should be considered at such a conference are:

(A) the status of parties and pleadings;

(B) determining whether severance, consolidation, or coordination with other actions is desirable;

(C) scheduling motions to dismiss or other preliminary motions;

(D) scheduling class certification motions, if applicable;

(E) scheduling discovery proceedings, setting limits on discovery, and determining whether to appoint a discovery master;

(F) issuing protective orders;

(G) any requirements or limits for the disclosure or discovery of electronically stored information, including the form or forms in which the electronically stored information should be produced;

(H) any measures the parties must take to preserve discoverable documents or electronically stored information;

(I) any agreements reached by the parties for asserting claims of privilege or of protection of trial-preparation materials after production;

(J) appointing liaison counsel and admission of nonresident counsel;

(K) scheduling settlement conferences;

(L) determining whether the requirements and timing for disclosure under Rule 26.1 should be varied;

(M) scheduling expert disclosures and whether sequencing of expert disclosures is warranted;

(N) scheduling dispositive motions;

(O) adopting a uniform numbering system for documents and establishing a document depository;

(P) determining whether electronic service of discovery materials and pleadings is warranted;

(Q) organizing a master list of contact information for counsel;

(R) determining whether expedited trial proceedings are desired or appropriate;

(S) scheduling further conferences as necessary;

(T) use of technology, videoconferencing and/or teleconferencing;

(U) determining whether the issues can be resolved by summary judgment, summary trial, trial to the court, jury trial, or some combination of these procedures; and

(V) such other matters as the court or the parties deem appropriate in managing or expediting the action.

(2) Meeting of Parties Before Conference; Joint Report. Before the initial case management conference, all parties who have appeared in the action, or their counsel, must meet and confer concerning the matters to be raised at the conference, must attempt in good faith to reach agreement on as many case management issues as possible, and must submit a joint report to the court no later than 7 days before the conference. The court may sanction a party or its counsel if the party or counsel fails to participate in good faith in this meeting.

(3) Purpose of Conference. The purpose of the initial case management conference is to identify the essential issues in the litigation and to avoid unnecessary, burdensome, or duplicative discovery and other pretrial procedures in the course of preparing for trial of those issues.

(4) Establishing Time Limits. Time limits should be regularly used to expedite major phases of a complex civil action. Time limits should be established early, tailored to the circumstances of each action, firmly and fairly maintained, and accompanied by other methods of sound judicial management. The date of the final pretrial conference must be set by the court as early as possible.

(5) Commencement of Discovery. Unless the parties agree by stipulation filed with the court or the court orders otherwise, no party may initiate discovery or disclosure in a complex civil action until the court has entered a Case Management Order in the action.

Rule 3.13. Applications for Garnishment, Continuing Lien, Judgment Against Garnishee

a. Garnishments. An Application for Writ of Garnishment of Earnings or an Application for Writ of Garnishment of Non-Earnings must be titled as such in the caption. When filing an Application for Writ of Garnishment, the applicant must attach to the application a copy of the judgment or order upon which the applicant is seeking execution.

b. Order of Continuing Lien; Judgment Against Garnishee. An Application for Order of Continuing Lien or an Application for Judgment Against Garnishee must be titled as such in the caption. When filing an Application for Order of Continuing Lien or an Application for Judgment Against Garnishee, the applicant must attach a copy of the garnishee's answer to the application.

c. Garnishment Packet. If the above applications are filed by other than electronic means, the applicant must submit to the assigned civil judicial officer's division a complete garnishment packet in the format provided by the civil department.

Dennis Carpenter (SUP)

From: Superior Court Feedback <noreply@maricopa.gov>
Sent: Monday, March 18, 2019 4:20 PM
To: Dennis Carpenter - SUPCRTX; Norma Quiroz - SUPCRTX
Subject: The Form 'Proposed Rule Change Comment Form' was submitted

Form Results:

Full Name:
Linda Maroko

Email Address:
linda.maroko@aderant.com

Additional Contact Information:
Aderant, Inc. (310) 846-0466

Comments:
We have reviewed the Proposed Local Rule Amendments and are writing to bring your attention to a potential issue with the language of proposed Maricopa County Local Rule 3.12(a)(4) and the deadline to oppose the designation of an action as complex. As proposed, Rule 3.12(a)(3)(B) provides: "Designation by Defendant. If the plaintiff has not done so, and if the court has not already ruled on whether the action is complex, a defendant may designate an action as complex by filing a motion and certificate of complexity as described in Rule 3.12(a)(3)(A) with or before the filing of defendant's first responsive pleading. " Rule 3.12(a)(4), as proposed, provides: "Procedure for Opposing Designation. If a party has certified that an action is complex, the court has not previously declared the action to be a complex civil action, and another party disagrees with the designating party's certificate, the opposing party must file – no later than when that party files its first responsive pleading – a response to the designating party's motion and a controverting certificate that specifies the particular reason for the opposing party's disagreement with the designating party's certificate. " The language of Rule 3.12(a)(4) requiring an opposing party to file a response to the designating party's motion and a controverting certificate "no later than when that party files its first responsive pleading" does not provide adequate opportunity for all parties to oppose a complex designation. For example, a plaintiff who opposes a defendant's designation of an action as complex would not necessarily be filing a "first responsive pleading" to defendant's response to the complaint. Thus, a plaintiff who disagrees with a defendant's designation would have no clearly defined deadline by which to file a response to the designating party's motion and a controverting certificate. The problem also occurs if we suppose that a plaintiff has named two or more defendants, each of whom has been served with process on the same day, and the plaintiff has not designated an action as complex. Say, for example, Defendant 1 designates the action as complex with (at the same time as) the filing of Defendant 1's first responsive pleading under Rule 3.12(a)(3)(B). Defendant 2 - who disagrees with the designating Defendant 1's certificate -

would be precluded from filing a controverting response since Defendant 2's response would be due no later than its first responsive pleading is due – in this instance, on the same day Defendant 1's designation is filed. To mitigate these issues, we respectfully request that the language of Rule 3.12(a)(4) be modified to state that, "the opposing party must file – no later than 10 days after the motion and certificate of complexity are served - a response to the designating party's motion and a controverting certificate that specifies the particular reason for the opposing party's disagreement with the designating party's certificate." Thank you for your time and consideration of this matter.

Dennis Carpenter (SUP)

From: Superior Court Feedback <noreply@maricopa.gov>
Sent: Tuesday, March 05, 2019 10:30 AM
To: Dennis Carpenter - SUPCRTX; Norma Quiroz - SUPCRTX
Subject: The Form 'Proposed Rule Change Comment Form' was submitted

Form Results:

Full Name:
Steven P. Kramer

Email Address:
spkramerlaw@gmail.com

Additional Contact Information:
6025585580

Comments:
The newly proposed last sentence the Rule 2.16 is a bad idea. Most exhibits and attachments are already in a non-complying font size/type. It seems wasteful for lawyers filing exhibits to need to check font size of exhibits or attachments, or to have to pronounce every time that compliance with the Size of Print Rule is "not reasonably practicable." The sentence states, "In addition, an exhibit, an attachment to a document, or a document from a jurisdiction other than the State of Arizona not in compliance with this provision may be filed only if it appears that compliance is not reasonably practicable." I believe it serves no purpose, and should be removed.