

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-19-0003  
RULE 5.4, RULES OF CIVIL )  
PROCEDURE )  
 )  
 ) **FILED 08/27/2019**  
 )  
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\_\_\_\_\_ )

**ORDER  
AMENDING RULE 5.4 OF  
THE ARIZONA RULES OF CIVIL PROCEDURE**

A petition having been filed proposing to amend Rule 5.4 of the Arizona Rules of Civil Procedure, and having considered the petition and comments,

**IT IS ORDERED** that Rule 5.4 of the Arizona Rules of Civil Procedure be amended in accordance with the attachment to this Order, effective January 1, 2020.

DATED this 27th day of August, 2019.

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

Sara J. Agne

Hon Valerie Wyant

Lisa M. Panahi

Rule 28 Distribution List

ATTACHMENT<sup>1</sup>

ARIZONA RULES OF CIVIL PROCEDURE

Rule 5.4. Sealing and Unsealing Court Records

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**(b) Definitions.** For this rule's purposes:

- (1) "document" means any filing, exhibit, record, or other documentary material to be filed or lodged with the court;
- (2) "case-initiating document" means the complaint or other document that a party files with the court to commence a civil action;
- ~~(2)~~(3) "lodged document" means a document that is temporarily deposited with the court but is not filed or made available for public access;
- ~~(3)~~(4) "public access" means the inspection or copying of a document by a member of the public; and
- ~~(4)~~(5) "sealed document" means a document filed or lodged with the court for which public access is prohibited by statute, rule, or court order.

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**(i) Case-Initiating Documents.**

**(1) Publicly Accessible Version.**

- (A) Generally. Before a party may file a motion or stipulation to file a case-initiating document under seal, the party must first file a publicly accessible version of the document, which will permit the clerk to assign a case number to the civil action.
- (B) Contents. The publicly accessible version of a case-initiating document must be a version of the document the party ultimately wants to file under seal with redactions covering the portions of the document that are subject to the motion or stipulation.
- (C) No Advance Authorization. A court may not grant advance authorization to lodge or file a case-initiating document under seal.

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<sup>1</sup> Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.

**(2) Later Motion or Stipulation to File Under Seal.**

- (A) Generally.** After filing a publicly accessible version of a case-initiating document, any person may file a motion or join in a stipulation to file a non-public version of the document under seal.
- (B) Procedure.** The filing party or stipulating parties must comply with the requirements of (c), (d), and (e) of this rule. The motion or stipulation must be publicly accessible and may not be filed under seal, but the motion or stipulation may request the court to file under seal all or portions of supporting documents, such as an affidavit or declaration.
- (C) If Denied.** If the court completely or partially denies a motion or stipulation to file a case-initiating document under seal and the submitting party no longer wishes to prosecute the action due to the complete or partial denial by the court, the submitting party must promptly file a notice of, or stipulation or motion for, dismissal under Rule 41. A party also retains the options provided in (f)(1).
- (D) If Partially Granted.** If the court finds only certain pages or portions of the case-initiating document contain information that merits being placed under seal, the filing party must comply with (c)(3)(B)(i).