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SEP 30 2008
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

R-08-0023

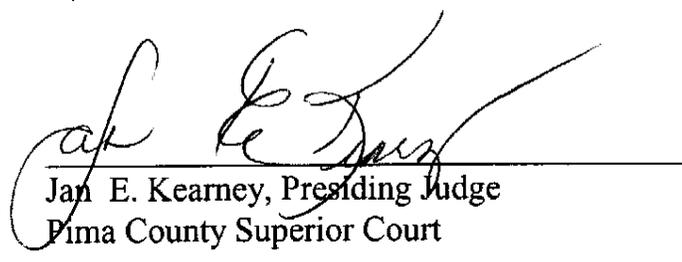
**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
PIMA COUNTY**

**ORDER AMENDING RULES 2-7,
LOCAL RULES OF PRACTICE,
PIMA COUNTY SUPERIOR COURT**

A majority of the judges of the Pima County Superior Court having approved,
pursuant to Rule 83, Arizona Rules of Civil Procedure, the proposed amendments to the
Pima County local court rules,

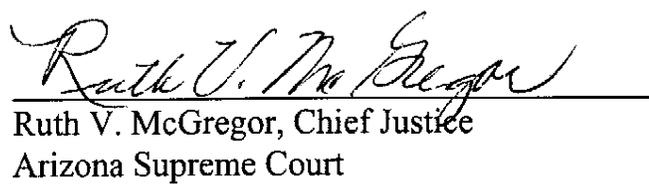
IT IS ORDERED amending Rules 2-7, Local Rules of Practice for the Pima
County Superior Court, in accordance with the attachment hereto, effective January 1,
2009.

DATED this 25 day of September, 2008.



Jan E. Kearney, Presiding Judge
Pima County Superior Court

APPROVED this 30th day of September, 2008.



Ruth V. McGregor, Chief Justice
Arizona Supreme Court

ATTACHMENT

LOCAL RULES OF PRACTICE PIMA COUNTY SUPERIOR COURT

Rule 1. [No change in text.]

Rule 2. Calendar

(2.1) Motions. Motions shall be heard on Monday of each week, ~~except as provided in subsection (2.5) hereof,~~ or as otherwise ordered. If Monday is an official holiday, then the next official court day will be designated for the hearing of ~~Motions.~~ All motions shall be set for hearing by the motions. The Division to which the case is assigned shall set all motions for hearing.

~~**(2.2) Orders to Show Cause.** All Orders to Show Cause, except as provided in subsection (2.5) hereof, or as otherwise ordered, shall be heard on Monday of each week between the hours of 1:30 p.m. and 5:00 p.m. If Monday is an official court holiday, then the next official court day will be designated for the hearing of Orders to Show Cause.~~

~~**(2.3) Deleted, effective May 1, 1988.**~~

(2.4-2.2) Civil Default and Ex Parte Matters. The court commissioners or hearing officers shall hear civil default and ex parte matters ~~beginning at the hour of 1:30 p.m. on Monday, Wednesday, Thursday and Friday unless otherwise ordered by the Court.~~

~~**(2.5) Time Limitation.** Any Order to Show Cause which will take more than twenty minutes or any Motion which will take more than ten minutes to hear must be specially set for hearing by the Division to which the case is assigned.~~

(2.6-2.3) Short Causes, Pretrial Conferences and Special Hearings. The division to which the case is assigned may set short causes, pretrial conferences and other matters needing a special time for hearing on Monday ~~afternoon of each week~~ or at such time as may be appropriate in the discretion of the Judge. A short cause is any civil case stipulated to by all parties to take less than one hour to try to the Court.

(2.7-2.4) Court Reporters. Court reporters shall be available only for regularly scheduled trials without an advance request. If a court reporter is needed for any other matter, including juvenile matters, it shall be the obligation and duty of counsel to so notify the ~~D~~division to which the case is assigned by 12:00 noon of the preceding court day to have a court reporter present. No such matter will be continued for a lack of a court reporter unless such notification has been given to the ~~D~~division to which the case is assigned. Absent a timely request, the availability of a court reporter may be limited by the priorities stated in Rule 30, Rules of the Arizona Supreme Court.

~~(2.8.2.5) Changes Affecting Court Calendar. All~~ The division to which the case is assigned must approve all matters, including stipulations, which that affect the Court Calendar. No such matter is effective until ordered or must be approved by the Division to which the case is assigned Court.

Rule 3. Procedure: Civil Motions, Proposed Orders, Oral Argument, Notice of Hearing, Telephone Conferences, and Discovery

~~(3.1) General Copies to Trial Judge.~~ At the time of the filing of the original with the Clerk of the Superior Court, a copy of all motions or other papers necessary for a judicial ruling or decision shall be delivered to the judge of the division to which the case has been assigned or to the Court Administrator if the case has not been assigned. The original of all such motions and other papers shall show the delivery of a copy to the division to which the case has been assigned. Motions not in compliance with this subsection will not be considered to be submitted for decision.

~~(a)(3.2) Form.~~ All civil motions shall be in accordance with Rules 7.1(a), (b), (d) and (e), 56(c)(2) and 37(a)(2)(C), Arizona Rules of Civil Procedure; and Rule 93(b), Rules of the Supreme Court A.R.C.P. All pleadings after the original Complaint, and all motions or other papers shall specify, in the caption, the name of the judge to whom the case is assigned.

~~(b) Paragraph (a) of said Rule 7.1, Arizona Rules of Civil Procedure, is hereby interpreted as requiring that all specific portions of statutes and authorities relied on be set out in haec verba and in quotation marks, otherwise they will not be considered by the court.~~

~~(c) The application of any provision of Rules 7.1(a), (b), (d) and (e), 56(c)(2) and 37(a)(2)(C), Arizona Rules of Civil Procedure, and Rule 93(b), Rules of the Supreme Court, in conflict with the provisions of this Rule 3 shall be suspended until further notice.~~

(3.2) Motions for Summary Judgment

~~(a)(3.3) Proposed Order.~~ A proposed form of Order in accordance with Rule 5(j), A.R.C.P., shall accompany all civil motions, oppositions and stipulations (except Motions for Summary Judgment shall be in the form prescribed by Rule 56(c)(2), Arizona Rules of Civil Procedure and Motions to Dismiss).

~~(b) Unless otherwise ordered by the court, the opposing party shall have 15 days after service within which to serve and file a responsive memorandum, and the moving party shall have 5 days after service of a responsive memorandum within which to file a reply memorandum.~~

(3.4) Motion for Summary Judgment, Motion to Dismiss, Motion for Judgment on the Pleadings or other Dispositive Motions. ~~(c) Unless otherwise ordered by the court, a~~ All ~~Motions for sSummary jJudgment, Motions to Dismiss, Motions for Judgment on the Pleadings and other dispositive motions shall be filed not less than 90 days prior to trial. If oral~~

~~argument is requested pursuant to subparagraph 3.5(a), the hearing shall be set so as to give each party sufficient time to comply with the provisions of this rule and to permit the hearing to be held at least 21 days prior to trial unless otherwise ordered by the Court.~~

~~(3.3) Motion to Dismiss or Motion for Judgment on the Pleadings. The time schedule for response, reply and oral argument for a motion to dismiss or a motion for judgment on the pleadings shall be the same as for a motion for summary judgment.~~

(3.5) Motion to Set and Certificate of Readiness. A party desiring to have a civil case set for trial shall certify as required by Rule 38.1(a)(3)(iii), A.R.C.P. In addition to the requirements of Rule 38.1, all Motions to Set and Certificates of Readiness shall include an "Estimated Number of Days Needed for Trial."

(3.6) Motion for Expedited Hearing and Order. Requests for expedited or accelerated hearings shall be presented to the Court in a Motion for Expedited Hearing and Order. The Order shall provide blank spaces for the Court to set the date and time for the expedited hearing.

~~(3.4-3.7) Length of Motions and Memoranda. Unless otherwise permitted by the eCourt, a motion including its supporting memorandum, and the response including its supporting memorandum, each shall not exceed 15 pages, exclusive of attachments and any required statement of facts. Unless otherwise permitted by the eCourt, a reply including its supporting memorandum shall not exceed 10 pages, exclusive of attachments.~~

~~(3.5-3.8) Oral Argument, Notice of Hearing, Submitted Motions.~~

~~(a) Oral Argument. Any party desiring oral argument shall file with the motion or response a separate ~~h~~Notice of ~~h~~Hearing and upon receipt of the ~~h~~Notice of ~~h~~Hearing the eCourt will set the date, and time, judge and location for the hearing. The date of the hearing shall be such as to give each party sufficient time to comply with this Rule and Rules 7.1(a), (b), (d) and (e), 37(a)(2)(C), and 56(c)(2), ~~Arizona Rules of Civil Procedure, and Rule 93(b), Rules of the Supreme Court A.R.C.P.~~, and to allow the Court at least five (5) additional days prior to such hearing unless otherwise directed by the Court.~~

(b) Notice of Hearing. The Notice of Hearing shall be in the form prescribed in (a) above. The Notice of Hearing shall notify all other parties of the motions to be heard, the name of the judge to hear the motions and the location of the hearing. The date and time for the hearing shall be left blank to be filled in by the Court. The Notice of Hearing shall contain the signature of the attorney or party requesting the hearing. After the information is provided by the Court the party or attorney requesting oral argument must serve the Notice of Hearing as required by the A.R.C.P.

(~~b-c~~) *Submitted Motions*. If neither party requests oral argument as provided in subsection (a), the motion will be considered and decided without oral argument, unless otherwise ordered by the Court.

(~~e-d~~) *Written Memoranda*. The fact that either party has requested oral argument upon the motion, or that the motion has been set down for oral argument by the ~~c~~Court, shall not in any way relieve the parties from the filing of written memoranda required by ~~said~~ Rules 7.1(a), (b), (d) and (e), 56(c)(2) and 37(a)(2)(C), ~~Arizona Rules of Civil Procedure, and Rule 93(b), Rules of the Supreme Court A.R.C.P.~~

(~~d-e~~) *Time Limitations*. Oral argument shall presumptively be limited to ~~five~~ten minutes for each side. These limitations may be extended by the Court for hearing a particular motion, upon prior written request by the party.

~~(3.6-3.9)~~ **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. All requests to appear telephonically for hearings shall be presented to the Court prior to noon on the business day preceding the day scheduled for the hearing. 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 deem practicable. ~~Counsel shall schedule such calls at a time convenient to all parties and the judge.~~ The party requesting the hearing shall set up the conference call.

~~(3.7)~~ **Discovery Papers**. ~~Unless otherwise ordered by the Court, depositions, interrogatories and answers thereto, requests for production, inspection or admission, and responses thereto, shall not be filed with the court, except that a "Notice of Service" of the foregoing papers on opposing counsel shall be filed with the court. Filing the notice of taking deposition required by Rule 30(b)(1) of the Arizona Rules of Civil Procedure will satisfy the requirement of filing "Notice of Service" with respect to depositions. This Rule shall not preclude the use of discovery papers at a hearing or trial or as exhibits to motions.~~

~~(3.8-3.10)~~ **Motions to Compel**. All Motions to Compel shall comply with Rules 37(a)(2), A.R.C.P. When a motion for an order compelling discovery is brought pursuant to Rule 37(a)(2) ~~of the Rules of Civil Procedure,~~ the moving party shall set forth, separately from a memorandum of law, the following in separate, distinct, numbered paragraphs:

- (1) ~~F~~The question propounded, the interrogatory submitted, the designation requested or the inspection requested;
- (2) ~~F~~The answer, designation or response received; and
- (3) ~~F~~The reason(s) why said answer, designation or response is deficient.

The foregoing requirement shall not apply where there has been a complete and total failure to respond to a discovery request or set of discovery requests.

~~(3.9) Arbitration Matters.~~ All civil cases filed with the Clerk of the Court in which the court finds or the parties agree that the amount in controversy does not exceed \$50,000, except those specifically excluded by Rules 72 through 76, Arizona Rules of Civil Procedure—Compulsory Arbitration, shall be submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12-133 and Rules 72 through 76, Arizona Rules of Civil Procedure—Compulsory Arbitration.

~~(3.10-3.11)~~ **Size of Type.** All typewritten pleadings, motions and other original papers filed with the eClerk shall be in a type size no smaller than twelve (12) pitch (twelve letters per inch).

Rule 4. Summary Jury Trials; Compulsory Arbitration

(4.1) Summary Jury Trial.

(a) Definition. A Summary Jury Trial shall be defined as a jury trial of no more than four jurors that will take no longer than one day in the selection of the jury, presentation of evidence, argument by counsel, and the commencement of jury deliberations. The jury verdict is final and binding.

(b) Procedure for Summary Jury Trial. The parties shall submit a Stipulation and Order to the assigned trial judge no less than 20 days prior to the date set for trial, or as otherwise ordered by the Court.

(c) Form of Stipulation. Unless otherwise agreed in writing and approved by the Court, the stipulation for short trial shall be in the form found on the Pima County Compulsory arbitration website at www.sc.pima.gov.

(4.2) Compulsory Arbitration.

(a) Amount in Controversy. All civil cases filed with the Clerk of the Court in which the Court finds or the parties agree the amount in controversy does not exceed \$50,000.00, except those specifically excluded by Rules 72 through 77, A.R.C.P., shall be submitted to and decided by an Arbitrator or Arbitrators in accordance with the provisions of A.R.S. § 12-133 and Rules 72 through 77, A.R.C.P.

(b) Certificate of Compulsory Arbitration. A copy of the Certificate of Compulsory Arbitration, which is required to be filed with the complaint by Rule 72(e)(1), A.R.C.P., shall be simultaneously mailed or delivered by the Plaintiff or Plaintiff's counsel to the Pima County Superior Court Calendar Services.

(c) Certificate of Agreement. In any case in which the Defendant does not file a Controverting Certificate to the Plaintiff's Certificate of Compulsory Arbitration pursuant to Rule 72(e)(2), A.R.C.P., the Defendant shall file a Certification of

Agreement to Plaintiff's certificate. The Controverting Certificate or Certification of Agreement shall be filed with the answer and served in the manner prescribed by Rule 5, A.R.C.P. Copies shall also be simultaneously mailed or delivered to the Pima County Superior Court Case Management Services. If a Controverting Certificate is filed, the Court shall decide whether the case is subject to Compulsory Arbitration. An Arbitrator shall be appointed in cases subject to Arbitration with a single Defendant, when the Defendant files an answer. An Arbitrator shall be appointed in cases subject to Arbitration with multiple Defendants 120 days after the case is initially filed. The case shall then proceed through Arbitration as provided by Rules 72 through 77, A.R.C.P.

(d) Alternative Dispute Resolution/Summary Jury Trial. If the parties agree to conduct a summary jury trial pursuant to Rule 72(d)(2), A.R.C.P., instead of proceeding with Compulsory Arbitration, the parties shall submit a Stipulation and Order to the Court. This may be submitted with the answer in lieu of the Certification of Agreement.

(e) Setting of Arbitration Hearings/Inactive Calendar/Dismissal.

(i) In those cases subject to Compulsory Arbitration, the Arbitrator shall communicate with the parties to set a hearing as expeditiously as possible. The Arbitrator may, upon stipulation or motion of either party, extend the time to complete Arbitration beyond the 120 days required by Rule 74(b), A.R.C.P., subject to the limitations in (ii), below.

(ii) In the event that a hearing has not been conducted and final award filed within the nine months prescribed by Rule 38.1(d), A.R.C.P., the matter shall be placed on the Inactive Calendar. An Arbitrator can grant an extension of time to complete the arbitration beyond the initial 120-day limit, but cannot grant an extension of time to remain on the Inactive Calendar. Any motion or stipulation for an extension of time to remain on the Inactive Calendar must establish good cause and be submitted to the assigned trial judge. The motion or stipulation must set forth when a hearing has or will be conducted, and must contain an attached order. It also shall set forth the amount of time the party or parties seek to remain on the Inactive Calendar.

(iii) If not continued on the Inactive Calendar by the Court, the case shall be dismissed the later of 60 days after placement on the Inactive Calendar, or expiration of the time to reduce the award, if any, to judgment.

(f) Compensation of Arbitrator. An Arbitrator assigned to serve in a Compulsory Arbitration matter subject to Rules 72 through 77, A.R.C.P., shall receive as compensation for services a fee of \$140 per day for each day, or part thereof, necessarily expended in the hearing for the case.

(g) Removal from Arbitration/Summary Jury Trial. If the parties wish to remove the case from Compulsory Arbitration pursuant to Rule 72(d)(2), A.R.C.P., by conducting a summary jury trial, the parties shall submit a Stipulation and Order to the assigned trial judge. The Order shall contain language removing the matter from arbitration.

Rule 5. Pretrial Statements and Trials

(4.1-5.1) General Pretrial Statements.

(a) All trial settings and pretrial conferences shall be in accordance with Rules 38.1, 16, and 16.1, ~~Arizona Rules of Civil Procedure~~ A.R.C.P.

~~(b) The application of any provision of Rules 38.1, 16, and 16.1, Arizona Rules of Civil Procedure, in conflict with the provisions of this Rule 4 shall be suspended until further ordered.~~

(4.2) Pretrial Statements

~~(a) Pretrial statements shall be prepared in accordance with the format specified by Rule 16(d), Arizona Rules of Civil Procedure.~~

~~(b) If counsel have been unable to confer on such matters because of fault or claimed fault on the part of either counsel, such fact shall be brought to the attention of the eCourt as provided by Rule 16(d), Arizona Rules of Civil Procedure A.R.C.P., as soon as practicable following discovery of the claimed fault.~~

~~(c) The pretrial procedures and the pretrial statement required by Rule 16(d), Arizona Rules of Civil Procedure, shall be completed and the Pretrial Statement filed not less than twenty days prior to the date of trial (instead of five days as provided in said Rule 16(d), Arizona Rules of Civil Procedure), unless otherwise ordered by the Court. A copy of the pretrial statement shall be filed with delivered to the Ddivision to which the case is assigned at the time the original is filed with the Clerk.~~

~~(d) If the pretrial statement is not timely filed or counsel have not otherwise complied with said Rule 16(d), Arizona Rules of Civil Procedure, the case shall be assigned to the inactive calendar for dismissal without further notice in 60 days, and one or more of the penalties provided by Rule 16(f), Arizona Rules of Civil Procedure, may be imposed. Additional penalties such as the exclusion of witnesses and/or exhibits, or the striking of pleadings may also be imposed.~~

(4.3) Trials

~~(a) Cases set for trial on a day certain must be tried when reached, and shall remain on the trial calendar to be tried in the order in which they are set. The fact that~~

a case has been set for trial on a particular day will not give it precedence over cases for a prior day.

(b) It shall be the duty of the attorneys or parties appearing in person to be ready for trial when their cases are called.

(c) All jury trials shall be calendared to start at 9:00 a.m. on the first day of trial unless the trial judge sets a different time. The attorneys shall appear in the chambers of the trial judge one-half hour before the start of the trial.

Rule 5. Assignment of Cases

(5.1) Filing of Case Sheet. When filing a civil action, the plaintiff shall furnish the clerk, on a form provided by the clerk, the caption of the case including the correct name(s) and mailing address(es), if known, of all plaintiffs, defendants and their attorneys and such other information as the court may require.

(5.2) Docketing Format. Each document which is separately filed in a particular case shall be sequentially numbered by the Clerk on the first page of the document, and shall be docketed by that number.

(5.3) Case Assignment. All cases filed with the Clerk of Superior Court shall be assigned a case number and shall be assigned forthwith by the Clerk or the Court Administrator to a Civil Trial Division which will thereafter process the case to conclusion unless the case is otherwise assigned by the Presiding Judge, or by the Court Administrator under Rule 5.5, 5.6, 5.7 or 5.12. The assignment of cases may be done by automated means, but in any event, shall be accomplished in a random manner so as to be unpredictable and provide an equal distribution of cases among Civil Divisions.

(5.4) Civil Motions. At the time of the filing of the original with the Clerk of the Superior Court, a copy of each motion, or other paper, if necessary for a judicial ruling or decision, shall be presented to the Division to which the case is assigned, or with the Court Administrator if the case has not been assigned. The original of all said documents shall show presentation of a copy to the Division to which the case is assigned. All pleadings after the original complaint, and all motions or other papers shall specify, in the caption, the name of the Judge to whom the case is assigned.

(5.5) Refiling. Cases refiled after dismissal may upon motion of any party be reassigned to the judge to whom, or the Division to which, the case was previously assigned. Motions for reassignment shall be heard by the presiding judge or a designee.

(5.6) Resetting Cases for Trial

(a) In the event of a mistrial or the granting of a new trial, the trial judge shall reset the case for trial.

~~(b) In the event a case is remanded by the Supreme Court or Court of Appeals for a new trial, the prevailing party shall furnish the trial judge with a copy of the mandate unless it appears of record that he has been furnished a copy of the mandate. Upon receipt of the mandate, the trial judge shall reset the case for trial. In the event the trial judge is no longer serving on the court or is no longer assigned that case, counsel shall lodge the copy of the mandate with the Court Administrator who shall reassign the case by the same random process set forth in Rule 5.3.~~

~~(c) Cases remanded for a new trial by an appellate court shall be granted preference on the trial calendar.~~

~~(5.7) Temporary Reassignment of Cases.~~ A case assigned to a particular Judge may be temporarily reassigned to another Judge if the Judge to whom the case is assigned is unavailable, and an exigency exists which requires prompt action by the Court, or upon request of the assigned Judge. The case will be reassigned by the Court Administrator to another Judge, or to a visiting Judge, for the limited purpose of hearing or determining the matter that is the subject of the exigency or request.

~~(5.8) Post-Trial Motions.~~ All post-trial motions shall specify in the caption the name of the Judge who tried the case, and shall, where possible, be heard by that Judge.

~~(5.9) Case Consolidation.~~ Unless the Court shall otherwise order, when two (2) or more cases are consolidated, the Clerk shall regard the lowest case number as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under that number only. Unless the Court shall otherwise specify, it will be presumed that the consolidation is for all purposes.

(5.2) Trial Setting. Cases set for trial on a day certain must be tried when reached, and shall remain on the trial calendar to be tried in the order in which they are set or as otherwise ordered by the Court. The fact that a case has been set for trial on a particular day will not give it precedence over cases for a prior day.

(a) It shall be the duty of the attorneys or parties appearing in person to be ready for trial when their cases are called.

(b) All jury trials shall be calendared to start at 9:00 a.m. on the first day of trial unless the trial judge sets a different time. The attorneys shall appear in the chambers of the trial judge on-half hour before the start of the trial.

Rule 6. Assignment of Cases

(6.1) Filing of Face Sheet. When filing a civil action, the Plaintiff shall furnish the Clerk, on a form provided by the Clerk, the caption of the case including the correct name(s) and mailing address(es), if known, of all Plaintiffs, Defendants and their attorneys and such other information as the Court may require.

(6.2) Docketing Format. Each document separately filed in a particular case shall be sequentially numbered by the Clerk on the first page of the document, and shall be docketed by that number.

(6.3) Case Assignment. All cases filed with the Clerk of Superior Court shall be assigned a case number and shall be assigned forthwith by the Clerk or the Court Administrator to a Civil Trial Division which will thereafter process the case to conclusion unless the case is otherwise assigned by the Presiding Judge, or by the Court Administrator under Rules 6.4, 6.5, 6.6 or 6.11. The assignment of cases may be done by automated means, but in any event, shall be accomplished in a random manner so as to be unpredictable and provide an equal distribution of cases among Civil Divisions.

(6.4) Refiling. Cases refiled after dismissal may upon motion of any party be reassigned to the judge to whom, or the division to which, the case was previously assigned. The Presiding Judge or a designee shall hear motions for reassignment.

(6.5) Resetting Cases for Trial.

(a) In the event of a mistrial or the granting of a new trial, the trial judge shall reset the case for trial.

(b) In the event the Supreme Court or Court of Appeals remands a case for a new trial, the prevailing party shall furnish the trial judge with a copy of the mandate unless it appears of record that the judge has been furnished a copy of the mandate. Upon receipt of the mandate, the trial judge shall reset the case for trial. In the event the trial judge is no longer serving on the Court or is no longer assigned that case, counsel shall lodge the copy of the mandate with the Court Administrator who shall reassign the case by the same random process set forth in Rule 6.3.

(c) Cases remanded for a new trial by an appellate court shall be granted preference on the trial calendar.

(6.6) Temporary Reassignment of Cases. A case assigned to a particular judge may be temporarily reassigned to another judge if the judge to whom the case is assigned is unavailable, and an exigency exists which requires prompt action by the Court, or upon request of the assigned judge. The case will be reassigned by the Court Administrator to another judge or to a visiting judge for the limited purpose of hearing or determining the matter that is the subject of the exigency or request.

(6.7) Post-Trial Motions. All post-trial motions shall specify in the caption the name of the judge who tried the case, and shall, where possible, be heard by that judge.

(6.8) Case Consolidation. Unless the Court shall otherwise order, when two (2) or more cases are consolidated, the Clerk shall regard the lowest case number as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under

that number only. Unless the Court shall otherwise specify, it will be presumed that the consolidation is for all purposes.

(5-10-6.9) Transfer or Consolidation of Related Civil Cases; Assignment.

(a) *Related cases.* Whenever two or more cases are pending before different judges and any party believes that such cases (1) arise from substantially the same transaction or event, (2) involve substantially the same parties or property, (3) involve the same patent, trademark, or copyright, (4) call for determination of substantially the same questions of law, or (5) for any other reason would entail substantial duplication of labor if heard by different judges, any party may file a motion to transfer the case or cases involved to a single judge. The motion shall be filed in each affected case, ~~but shall contain the caption of the case with the lowest number~~ and shall be heard by the judge to whom ~~that~~ the case with the lowest number is assigned.

(b) *Consolidation.* A motion to consolidate pursuant to Rule 42(a), ~~Rules of Civil Procedure A.R.C.P.~~, shall contain the captions of all the cases sought to be consolidated, be filed in each case and be heard by the judge assigned the lowest case number.

(c) *Service.* Service of any motion filed under subsection (a) or (b) shall be made upon all parties and assigned judges in such cases.

(d) *Assignment.* In determining to which judge the case or cases will be assigned pursuant to subsection (a) or (b) above, the following factors may be considered: (1) whether substantive matters have been considered in a case; (2) which judge has the most familiarity with the issues involved in the cases; (3) whether a case is reasonably viewed as the lead or principal case; or (4) any other factor serving the interest of judicial economy.

(5-11-6.10) Attorney Calendar Conflicts

(a) *Notice to Court.* Scheduling and calendar conflicts of counsel shall be called to the Court's attention, and resolved, in the manner specified in Rule 38.1(k), ~~Arizona Rules of Civil Procedure A.R.C.P.~~

(b) *Motion to Adjust.* In resolving conflicts between ~~D~~divisions of the Pima County Superior Court, counsel shall file a motion to adjust in all conflicting cases with a notice of hearing before the ~~D~~division with the lowest numbered case. The conflict shall be resolved pursuant to the criteria set forth in subsection (c) below.

(c) *Resolution of Conflicts.* Upon being advised of a scheduling conflict, the judges involved shall, if necessary, confer in person or by telephone in an effort to resolve the conflict. While no ~~D~~division has priority in scheduling, the following factors should be considered in resolving the conflict:

(1) the nature of the cases as civil or criminal, and the presence of any speedy trial problems;

(2) a case ~~which~~that involves out-of-town witnesses, parties or counsel;

(3) the age of the cases;

(4) the matter ~~which~~that was set first;

(5) any priority granted by rule or statute;

(6) any other pertinent factors.

(5-12-6.11) Change of Judge. Counsel shall file any "Notice of Change of Judge" with the Clerk of the Court and serve copies on all parties, the Presiding Judge, the Court Administrator and Noticed Judge. Upon request for a change of judge, the case shall be transferred to the Court Administrator for reassignment.

(5-13-6.12) Dismissal for Failure to Prosecute. The Clerk of the Court or Court Administrator shall place on the Inactive Calendar every case in which a Motion to Set and Certificate of Readiness has not been filed within nine months after the commencement thereof, except that in domestic relations cases, by general order of the Presiding Judge, the time within which domestic relations cases shall be placed on the Inactive Calendar may be shortened to not less than 120 days. All cases remaining on the Inactive Calendar for two months shall be dismissed without prejudice for lack of prosecution, and the Court shall make an appropriate order as to any bond or other security filed therein, unless prior to the expiration of such two-months period:

(a) A proper Motion to Set and Certificate of Readiness is filed; or

(b) The Court, on motion for good cause shown, orders the case to be continued on the Inactive Calendar for a specified period of time without dismissal.

This rule shall not be construed as a limitation on the inherent power of the Court to dismiss a case for failure to prosecute in a reasonably diligent manner.

Rule 6-7. Filing Requirements for Orders, and Writs, Papers, and Ex Parte Presentations and name Requirement

(6-1-7.1) Supporting Complaint or Petition. No order or writ shall be signed by any judge or court commissioner before a supporting complaint and/or petition is first filed in the Office of the Clerk of Court.

(6-2-7.2) Preparation, Submission, and Signing of Orders and Writs. All such orders and writs shall be prepared by the party seeking the same and be submitted for signature to the

Division to which the case is assigned. If the judge assigned is unavailable, any judge may sign the same.

(6-3-7.3) Papers to be Signed by Court Commissioner. Orders, writs, judgments or other papers which that may be signed by a court commissioner pursuant to Rule 96, of the Rules of the Arizona Supreme Court, shall be taken to the designated civil assignment commissioner for signature.

(6-4-7.4) Filing Prerequisites. All matters filed in any cause or submitted for signature of the court, except evidence offered at a trial or hearing, shall clearly indicate thereon the name and address of the person, firm or attorney offering same. Printed firm or attorney designation on pleadings meets this requirement. The clerk shall not accept for filing any document which that fails to comply herewith with this subsection.

(6-5-7.5) Submit Proposed Orders Separately. Proposed orders submitted for signature of the court shall be prepared as a separate document containing the case title and number at the top of each page thereof, and shall not be included as an integral part of stipulations, motions or other pleadings.

Rule 7. ~~Ex Parte presentations; Duty to Court~~

(7.6) Multiple Presentations of Ex Parte or Default Matters. In the event that any ex parte matter or default proceeding has been presented to any judge or judicial officer and the requested relief denied for any reason, such matter shall not be presented to any other judge or judicial officer without making a full disclosure of the prior presentation. Counsel ~~should be governed by the provisions of ER 3.3 of the Rules of Professional Conduct, Rule 42, Rules of the Supreme Court. For a failure to shall~~ comply with the provisions of this Local Rule, ~~the order or judgment made on such subsequent application may be vacated at any time as a fraud upon the Court ER 3.3 of the Rules of Professional Conduct, Rule 42, Rules of the Supreme Court.~~ Failure to comply with this subsection may cause the Court to vacate the order or judgment, and to impose sanctions.

Rules 8.-29. [No change in text.]