

Rule 2.1 Motions or Other Papers Submitted for Decision

The Court will not rule on motions which are not in substantial compliance with Pima County Local Rules 1.11, 1.12 and 1.13.

Rule 2.2 Proposed Order

In accordance with Rule 5.1(d), Arizona Rules of Civil Procedure, a proposed form of order must accompany all civil motions (except Motions for Summary Judgment), applications, oppositions, and stipulations. The original proposed order must be in a format approved by the Clerk of the Court and electronically lodged with the assigned division ~~at the time when of the filing the motion to which the order refers is filed~~, but, in any event, not fewer than ~~2~~ 5 court days before any scheduled hearing regarding the proposed order. For motions or other requests for a ruling without a hearing, the original proposed order must be electronically lodged with the assigned division ~~at the time of~~ when filing the motion, application, opposition or stipulation is filed.

Rule 2.3 Motions for Summary Judgment, Motions to Dismiss, Motion for Judgment on the Pleadings or other Dispositive or Partially Dispositive Motions.

For cases not subject to the FASTAR Rules, All Motions for Summary Judgment, Motions to Dismiss, Motions for Judgment on the Pleadings and other dispositive or partially dispositive motions must be filed not less than 90 days before trial unless the Court orders a different date for filing such motions.

Rule 2.4 Motion for Expedited Hearing and Order

A party requesting an expedited or accelerated hearing must ~~present~~ file a Motion for Expedited Hearing ~~and Order to the Court~~ and certify that it has been ~~delivered to~~ served on all other parties. The requesting party must electronically lodge with the assigned division a proposed Order ~~must provide~~

with blank spaces for the Court to set the date and time for the expedited hearing.

Rule 2.5 Oral Argument, Notice of Hearing, Submitted Motions

(A) Oral Argument. Along with any motion or response, Any party desiring oral argument must ~~file~~ electronically lodge with the assigned division a separate Notice of Hearing in a format approved by the Clerk of the Court with ~~any motion or response a separate Notice of Hearing that~~ which must include the following:

- (1) The motion to be heard;
- (2) The name of the ~~judge~~ judicial officer to hear hearing the motion;
- (3) The location of the hearing, or, if the hearing is one which is presumptively a remote hearing under subsection 2.6 below, information on how to participate in the hearing remotely;
- (4) Blanks for the date and time for the hearing; and
- (5) The signature of the attorney or party requesting the hearing.

Upon receipt of the Notice of Hearing, the Court, if it deems a hearing is necessary, will set the date and time for the hearing. In setting the hearing and unless otherwise ordered, the Court will give each party sufficient time to comply with any applicable rules and give the Court at least 5 additional days before the hearing. After a hearing is set, the movant who submitted the Notice of Hearing must, as soon as practicable, serve the Notice of Hearing on the other parties as prescribed by Rule 5, Arizona Rules of Civil Procedure.

(B) Submitted Motions. Unless a movant ~~submits~~ lodges a Notice of Hearing as provided in subsection 2.5(a) above, the Court will consider and decide the

motion without oral argument, unless otherwise ordered by the Court. A notation on a motion or opposition that oral argument is requested does not meet the requirements of subsection 2.5(A) above.

(C) Written Memoranda. ~~The fact that~~ That no hearing or oral argument has been set on a motion ~~shall~~ does not ~~in any way~~ relieve the parties from filing written memoranda required by any applicable rule.

(D) Time Limitations. Oral arguments are presumptively limited to 10 minutes per side. The Court may extend these limitations for hearing a particular motion, either at the Court's discretion or upon a party's prior written request.

Rule 2.6 ~~Electronic or Telephone~~ Remote Argument and Conferences

The following hearings may be attended remotely when no testimony will be taken and without order of the Court: scheduling conferences, motions, including pre-trial motions, oral argument, default judgment, post-judgment proceedings, excess proceeds, amended marriage licenses and birth certificates, forfeitures, and name changes.

The Court may, in its discretion, order or allow remote oral argument on any other motion or ~~other~~ proceeding ~~by telephone conference call or other electronic means~~. All requests to appear ~~telephonically~~ remotely for such ~~other~~ hearings must be in writing and presented to the Court no later than noon 2 business court days before the scheduled hearing. ~~The party requesting the hearing is responsible for timely notifying all other parties and for arranging any necessary conference call.~~

The Court may, in its discretion, permit remote appearance at any trial by either an attorney, a party, or a witness if requested no later than 20 days before trial. In requesting remote appearance at trial, counsel must state what the opposing party's position is regarding remote appearance or state a reason why opposing's party's position is unavailable. The Court may, in its discretion, permit appearance by any electronic means on any motion or other proceeding allowed by law, provided that proper technology is available to permit the appearance in a manner that permits all persons who need to participate to do

~~so. All requests for appearances by any electronic means other than telephonic appearances for hearings must be presented in writing to the Court at least 20 days before the scheduled hearing.~~

~~Rule 2.7. Motions to Compel Discovery; Required Statement of Deficiencies~~

~~In addition to the requirements of Rules 37(a), Arizona Rules of Civil Procedure, a party moving to compel discovery must also set forth, separately from the memorandum of law in support of their Motion to Compel, the following in separate, distinct, numbered paragraphs:~~

~~(A) The question propounded, the interrogatory submitted, the designation requested or the inspection requested;~~

~~(B) The response received; and~~

~~(C) The reason(s) why the response is deficient.~~

~~The requirement does not apply where there has been a complete and total failure to respond to the propounded discovery.~~

~~Rule 2.8. Summary Jury Trial~~

~~**(A) Definition.** A Summary Jury Trial is a jury trial 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. There will be no less than four and no more than six jurors. The jury verdict is final and binding.~~

~~**(B) Procedure for Summary Jury Trial.** If the parties believe a summary jury trial is appropriate in their case, they must submit a Stipulation and Order to the assigned trial judge.~~

~~**(C) Time to Request Summary Jury Trial.** The parties must request a summary jury trial as soon as possible but no later than 2 business days before the date set for trial unless otherwise ordered.~~

~~**(D) Form of Stipulation.** Unless otherwise agreed in writing and approved by the Court, the stipulation for a summary jury trial must be in the form found~~

on the Pima County Compulsory Arbitration website at <http://www.se.pima.gov>.

Rule 2.9. 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 \$1,000.00, except those specifically excluded by Rules 72 through 77, Arizona Rules of Civil Procedure, must 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, Arizona Rules of Civil Procedure.

~~(B) Certificate of Agreement or Controverting Certificate.~~ In any case in which the Defendant does not file a Controverting Certificate pursuant to Rule 72(e)(2), Arizona Rules of Civil Procedure, it will be deemed that the defendant has agreed that the case is subject to compulsory arbitration.

~~(C) Appointment of Arbitrator.~~ If applicable, an arbitrator will be appointed in cases with a single defendant, when the defendant files an answer. Otherwise, the Case Management Services Division will appoint an arbitrator no later than 120 days after the action is commenced. The case shall then proceed through Arbitration as provided by Rules 72 through 77, Arizona Rules of Civil Procedure.

~~(D) Alternative Dispute Resolution/Summary Jury Trial.~~ As provided by Rule 72(d), Arizona Rules of Civil Procedure, the Court will waive the arbitration requirement if the parties agree to participate in a summary jury trial. If the parties stipulate to a summary jury trial, they must submit a Stipulation and Order and the Order must contain language removing the matter from compulsory arbitration.

~~(E) Motion to Continue on the Dismissal Calendar.~~ In the event that a notice of decision has not been filed within 270 days after the action was commenced as prescribed by Rule 38.1(d), Arizona Rules of Civil Procedure, Case Management Services will place the matter on the Dismissal Calendar. Any motion or stipulation for an extension of time to remain on the Dismissal 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 the amount of time the party or parties seek to keep the case on the Dismissal Calendar.~~

~~**(F) Compensation of Arbitrator.** An arbitrator assigned to a compulsory arbitration matter is entitled to receive as compensation for services a fee of \$140 per day for each day, or part thereof, necessarily expended in the hearing of the case. “Hearing” is defined by Rule 76(f), Arizona Rules of Civil Procedure.~~

~~Rule 2.107~~ Joint Pretrial Statements

(A) All trial settings and pretrial conferences shall be in accordance with applicable rules including, but not limited to Rules 16, 38.1 and 77, Arizona Rules of Civil Procedure and FASTAR Rule 111.

(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 Court in writing as soon as practicable following discovery of the claimed fault. The Court will consider imposing sanctions under Rule 16, Arizona Rules of Civil Procedure, on any party or counsel for any fault described in that Rule or in this Rule 2.107.

(C) A copy of the Joint Pretrial Statement shall be delivered electronically, if electronically filed, or in paper form, if not electronically filed, to the division to which the case is assigned at the time the original is filed with the Clerk of the Court.

~~Rule 2.11. 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 specific day will not give it precedence over cases for a prior day. The case with the lowest case number generally has precedence over cases with higher case numbers. Nevertheless, should more than one trial be set to begin on the same~~

~~day, the determination as to which trial shall take precedence is at the Court's discretion.~~

~~(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 Court sets a different time. The attorneys must appear in the chambers of the trial judge 30 minutes before the start of trial on the first day unless otherwise ordered by the Court.~~

Rule 2.128 Filing of Face Sheet (Civil Cover Sheet)

When filing a civil action, the Plaintiff must furnish the Clerk of the Court, on a form provided by the Clerk, a Face Sheet or Civil Cover Sheet.

~~Rule 2.13. Docketing Format~~

~~Each document separately filed in a particular case must be sequentially numbered by the Clerk of the Court on the first page of the document, and must be docketed by that number.~~

Rule 2.149 Case Assignment

All cases filed with the Clerk of the Court will be assigned a case number and judge will be assigned forthwith by the Clerk or Case Management Services to a Civil Trial Division which who will thereafter process the case to conclusion unless the case is otherwise assigned by the Presiding Judge or by Court Services Case Management Services under these Pima County Local Rules 2.20, 2.21, 2.22 2.10, 2.11, 2.12 or 1.9. The assignment of cases may be done by automated means, but in any event, must be accomplished in a random

manner so as to be unpredictable and provide an equal distribution of cases among judges in the Civil Trial Divisions.

Rule 2.15~~10~~10 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 will hear motions for reassignment.

Rule 2.16~~11~~11 Resetting Cases for Trial

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

(B) In the event the Supreme Court or Court of Appeals remands a case for a new trial or further proceedings, ~~the prevailing party must 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 will reset the case for trial or for further proceedings as directed by the mandate. In the event the trial judge is no longer serving on the Court or is no longer assigned ~~that~~ the remanded case, counsel must lodge ~~the~~ a copy of the mandate with ~~Case Management Services~~ Court Services who will reassign the case by the same random process set forth in Pima County Local Rule 2.18~~.11~~.11.

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

Rule 2.17~~12~~12 Temporary Reassignment of Cases

Consistent with Rule 63, Arizona Rules of Civil Procedure, a case assigned to a specific judge may be temporarily reassigned to another judge if the judge to whom the case is assigned is unavailable, and an exigency exists that requires prompt action by the Court, or upon request of the assigned judge. The case

will be reassigned by ~~Case Management Services~~ Court Services 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.

Rule 2.1813 Post-Trial Motions

All post-trial motions must specify in the caption the name of the judge who tried the case, and shall, ~~where possible,~~ be heard by ~~that~~ the judge currently assigned the case.

Rule 2.1914 Transfer of Related Civil Cases; Case Consolidation; 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 and will be heard by the judge to whom the case with the lowest number is assigned. The Court may also transfer, with notice to the parties, related cases to a single judge on the Court's own initiative.

(B) Consolidation. A motion to consolidate pursuant to Rule 42(a), Arizona Rules of Civil Procedure, 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. Unless the Court otherwise orders, when 2 or more cases are consolidated, the Clerk of the Court will regard the lowest case number as the controlling number of the consolidated cases, and all further pleadings and papers must be filed and docketed under that number only. Unless the Court otherwise specifies, it will be presumed that the consolidation is for all purposes.

(C) Service. Service of any motion filed under subsections ~~(a)~~ (A) or ~~(b)~~ (B) shall be made upon all parties and assigned judges.

(D) Assignment. In determining to which judge the case or cases will be assigned pursuant to subsection (~~a~~A) or (~~b~~B) above, the Court may consider the following factors: (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, and (4) any other factor serving the interest of judicial economy.

Rule 2.2015 Dismissal for Failure to Prosecute/ Dismissal Calendar

The ~~Clerk of the Court or Case Management Services~~ Court Services will place on the Dismissal Calendar every case in which a Joint Report and Proposed Scheduling Order has not been filed within 270 days after commencement of the matter pursuant to Rule 16, Arizona Rules of Civil Procedure; or, if Rule 16 does not apply, where either: (a) a proper request for a trial has not been filed within 9 months after the commencement of the matter, or (b) a trial date has not been set.

All civil cases remaining on the Dismissal Calendar for 60 days will be dismissed without prejudice for lack of prosecution pursuant to Rule 38.1(d), Arizona Rules of Civil Procedure, and the Court will make an appropriate order as to any bond or other security filed therein, unless before the expiration of such 60-day period:

(A) A proper Joint Report and Proposed Scheduling Order has been filed; or, if Rule 16 does not apply, either: (1) a proper request for a trial has been filed, or (2) a trial date has been set; or

(B) The Court, on motion for good cause shown, orders the case to be continued on the Dismissal 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.