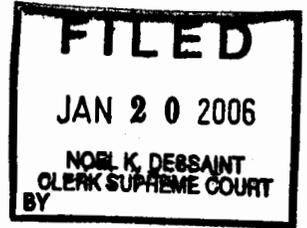


IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-05-0013



ORDER AMENDING RULES 56,  
ARIZONA RULES OF CIVIL PROCEDURE

IT IS ORDERED that Rule 56, Arizona Rules of Civil Procedure, be amended in accordance with the attachment hereto,\* effective as of June 1, 2006.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 20th day of January, 2006.

For the Court:

  
RUTH V. MCGREGOR  
Chief Justice

\* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

## ARIZONA RULES OF CIVIL PROCEDURE

\* \* \*

### Rule 56. Summary judgment

#### Rule 56(a). For claimant

A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, ~~at any time~~ after the expiration of twenty days from the service of process upon the adverse party, but no sooner than the date on which the answer is due, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof. Any such motion shall be filed no later than 90 days prior to the date set for trial.

#### Rule 56(b). For defending party

A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, ~~at any time~~, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof. Any such motion shall be filed no later than 90 days prior to the date set for trial.

#### Rule 56(c). Motion and proceedings thereon

(1) Upon timely request by any party, the court shall set a time for hearing of the motion. If no request is made, the court may, in its discretion, set a time for such hearing. A party opposing the motion must file affidavits, memoranda or both within ~~15~~ 30 days after service of the motion. The moving party shall have ~~5~~ 15 days thereafter in which to serve reply memoranda and affidavits. The foregoing time periods may be shortened or enlarged by the court or by agreement of the parties. The judgment sought shall be rendered forthwith if the pleadings, deposition, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(2) [No change in text.]

#### State Bar Committee Note 2005 Amendment

The amendments to Rule 56(a) and (b), requiring a motion for summary judgment to be filed 90 days prior to the trial date, change the practice of permitting the superior court to adopt local rules setting deadlines for the filing of summary judgment motions. Such amendment does not, however, preclude the superior court from enlarging the period for filing a summary judgment motion pursuant to Rule 6(b) of these rules.

The amendment to Rule 56(c)(1), to extend the deadlines for filing summary judgment responses and replies, is made to conform to the practice in the local federal courts, as well as to ensure that parties have sufficient time to brief summary judgment motions.

\* \* \*