

Arizona Supreme Court

Rule 28 Petition

R-24-0024

RULE 5(d), RULES OF PROCEDURE FOR EVICTION ACTIONS

Appellate Case Information

Case Filed: 10-Jan-2024

Case Closed: 20-Aug-2024

Dept/Composition

Arizona Supreme Court

Rule 28 Petition

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RULE 5(d), RULES OF PROCEDURE FOR EVICTION ACTIONS

Side 1. RULE 5(d), RULES OF PROCEDURE FOR EVICTION ACTIONS, Other

(Litigant Group) PETITIONERS: WILLIAM E. MORRIS INSTITUTE FOR JUSTICE, COMMUNITY LEGAL SERVICES, DNA PEOPLE'S LEGAL SERVICES, AND SOUTHERN ARIZONA LEGAL AID

- William E Morris Institute for Justice, Petitioner
- Community Legal Services, Petitioner
- DNA People's Legal Services Inc, Petitioner
- Southern Arizona Legal Aid, Petitioner

Attorneys for: Petitioner

Andrew P Schaffer, Esq. (AZ Bar No. 37352)
Brenda Munoz Furnish, Esq. (AZ Bar No. 27280)
Michelle J Simpson, Esq. (AZ Bar No. 20199)
Pamela M Bridge, Esq. (AZ Bar No. 18252)
Charles W Doughty, Esq. (AZ Bar No. 27403)
Alan R Solot, Esq. (AZ Bar No. 6587)

(Litigant Group) COMMENTOR: THE PROFESSIONAL STANDARDS AND POLICY COMMITTEE OF THE JUSTICE OF THE PEACE BENCH IN MARICOPA COUNTY

- The Professional Standards and Policy Committee, Commentor
- Hon Gerald A Williams, The Professional Standards and Policy Committee, Commentor

(Litigant Group) COMMENTOR: MANUFACTURED HOUSING COMMUNITIES OF ARIZONA

- Manufactured Housing Communities of Arizona, Commentor

Attorneys for: Manufactured Housing Communities of

Scott Andrew Baluha, Esq. (AZ Bar No. 29957)
Tatianna F Dunne, Esq. (AZ Bar No. 36776)

(Litigant Group) COMMENTOR: CHARLES LUCKING

- Charles Lucking, Commentor
AZ Bar No. 31964
[Current Member]
Admitted 3/9/15

(Litigant Group) COMMENTOR: MAXINE M. BECKER

- Maxine M Becker, Commentor
AZ Bar No. 19951
[Inactive]
Admitted 10/25/99

(Litigant Group) COMMENTOR: HULL, HOLLIDAY & HOLLIDAY P.L.C.

- Hull Holliday & Holliday PLC, Commentor

Attorneys for: Commentor

Andrew M Hull, Esq. (AZ Bar No. 4153)
Denise M Holliday, Esq. (AZ Bar No. 17275)
Kevin W Holliday, Esq. (AZ Bar No. 17276)
Matthew Schlabach, Esq. (AZ Bar No. 34118)
Christopher Hoynicki, Esq. (AZ Bar No. 34840)
Judy Drickey-Prohow, Esq. (AZ Bar No. 5796)
Brandy Agüero, Esq. (AZ Bar No. 33723)

(Litigant Group) COMMENTOR: UNEMPLOYED WORKERS UNITED

- Unemployed Workers United, Commentor

Attorneys for: Commentor

Keally L. Cieslik, Esq. (AZ Bar No. 38984)

(Litigant Group) COMMENTOR: CLARK & WALKER, P.C.

- Clark & Walker PC, Commentor

Attorneys for: Commentor

Scott M Clark, Esq. (AZ Bar No. 6759)
Christopher R Walker, Esq. (AZ Bar No. 28977)
Colin L Clark, Esq. (AZ Bar No. 33457)
Brett Meyer, Esq. (AZ Bar No. 34726)
Christopher M. Rogers, Esq. (AZ Bar No. 36484)
Victoria D'Amato, Esq. (AZ Bar No. 37150)
Gregory K Cecilia, Esq. (AZ Bar No. 27954)
Jared W. Harris, Esq. (AZ Bar No. 35927)
Justin Heath Lines, Esq. (AZ Bar No. 29221)

Arizona Supreme Court

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RULE 5(d), RULES OF PROCEDURE FOR EVICTION ACTIONS

(Litigant Group) COMMENTOR: ARIZONA MULTIHOUSING ASSOCIATION

- Arizona Multihousing Association, Commentor

Attorneys for: Commentor

Christopher R Walker, Esq. (AZ Bar No. 28977)

(Litigant Group) COMMENTOR: DISABILITY RIGHTS ARIZONA

- Disability Rights Arizona, Commentor

Attorneys for: Commentor

Joseph Falcon-Freeman, Esq. (AZ Bar No. 36798)

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- State Bar of Arizona, Commentor

Attorneys for: Commentor

Lisa M Panahi, Esq. (AZ Bar No. 23421)

CASE STATUS

Aug 20, 2024...Case Closed

Aug 20, 2024...Decision Rendered

CASE DECISION

20-Aug-2024 ORDER

* WOULD AMEND RULE 5(d) OF THE RULES OF PROCEDURE FOR EVICTION ACTIONS TO CONFORM THE RULE'S EVICTION NOTICE AND COMPLAINT PROCEDURES TO THE REQUIREMENTS OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

Filed: 20-Aug-2024

Mandate:

Decision Disposition

Denied

ORDERED: Petition to Amend Rule

14 PROCEEDING ENTRIES

- 1. 10-Jan-2024 FILED: Petition to Amend Rule 5(d) of the Rules of Procedure for Eviction Actions (Petitioners William E. Morris Institute for Justice by Andrew P. Schaffer, Brenda Munoz Furnish, and Michelle J. Simpson; Community Legal Services by Pamela Bridge; DNA People's Legal Services by Charles W. Doughty; Southern Arizona Legal Aid by Alan R. Solot)
2. 17-Jan-2024 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration, IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted by no later than Wednesday, May 1, 2024, and any reply by a petitioner must be submitted no later than Monday, June 3, 2024. The petitions may be viewed by going to: http://www.azcourts.gov/Rules-Forum. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page. For instructions on how to post comments electronically, follow the steps listed above and click on http://www.azcourts.gov/rules/Forum-FAQ at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?" Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment." Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. John R. Lopez IV)
3. 16-Feb-2024 FILED: Comment from Maricopa County Justice Court Bench (The Professional Standards and policy Committee of the Justice of the Peace Bench in Maricopa County by Hon. Gerald A. Williams and Hon. Anna Huberman)
4. 16-Apr-2024 FILED: Comment to Petition to Amend Rule 5(d), Arizona Rules of procedure for Eviction Actions (Manufactured Housing Communities of Arizona by Scott A. Baluha and Tatianna Dunne)
5. 29-Apr-2024 FILED: (Comment) (Charles Lucking)
6. 30-Apr-2024 FILED: (Comment) (Maxine M. Becker)

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14 PROCEEDING ENTRIES

7. 30-Apr-2024 FILED: Comments in Opposition to Petition to Amend Rule 5(d) of the Rules of Procedure for Eviction Actions (Hull, Holliday & Holliday P.L.C. by Andrew M. Hull, Denise M. Holliday, Kevin W. Holliday, Matthew R. Schlabach, Christopher T. Hoynicki, Judy Drickey-Prohow and Brandy Agüero)
8. 1-May-2024 FILED: Comment to Petition to Amend Rule 5(d), of the Rules of Procedure for Eviction Actions (Unemployed Worker United by Keally L. Cieslik, Staff Attorney)
9. 1-May-2024 FILED: Comment to Petition to Amend Rule 5(d), Arizona Rules of Procedure for Eviction Actions (Clark & Walker, P.C. by Scott M. Clark, Christopher R. Walker, Brett Meyer, Christopher M. Rogers, Victoria D'Amato, Gregory K. Cecilia, Jared W. Harris and Justin H. Lines)
10. 1-May-2024 FILED: Comment to Petition to Amend Rule 5(d), Arizona Rules of Procedure for Eviction Actions (Arizona Multihousing Association by Christopher R. Walker)
11. 1-May-2024 FILED: Comment to Petition to Amend Rule 5(d), Rules of Procedure for Eviction Actions (Disability Rights Arizona by Joseph Falcon-Freeman, Staff Attorney)
12. 1-May-2024 FILED: State Bar of Arizona Comment (State bar of Arizona by Lisa M. Panahi, General Counsel)
13. 3-Jun-2024 FILED: Reply to Comments to the Petition (Petitioners William E. Morris Institute for Justice by Andrew P. Schaffer, Brenda Munoz Furnish, and Michelle J. Simpson; Community Legal Services by Pamela Bridge; DNA People's Legal Services by Leslie McLean; Southern Arizona Legal Aid by Alan R. Solot)
14. 20-Aug-2024 WOULD AMEND RULE 5(d) OF THE RULES OF PROCEDURE FOR EVICTION ACTIONS TO CONFORM THE RULE'S EVICTION NOTICE AND COMPLAINT PROCEDURES TO THE REQUIREMENTS OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

ORDERED: Petition to Amend Rule 5(d) of the Rules of Procedure for Eviction Actions = DENIED.
