

Arizona Supreme Court**Rule 28 Petition****R-26-0045****AMEND RULE 16/ADOPT RULE 65.3, CIVIL PROCEDURE****Appellate Case Information**

Case Filed: 16-Jul-2026

Case Closed:

Dept/Composition**Side 1. AMEND RULE 16 AND ADOPT RULE 65.3, RULES OF CIVIL PROCEDURE, Other****(Litigant Group) PETITIONER: DAVID K. BYERS**

- David K Byers, Administrative Office of the Courts, Petitioner

CASE STATUSJul 17, 2026.....**Circulating (until 10/1/26)**Jul 16, 2026.....**Pending****2 PROCEEDING ENTRIES**

1. 16-Jul-2026 FILED: Petition to Amend to Rule 16 and Adopt Rule 65.3 of the Rules of Civil Procedure (Expedited Consideration and Emergency adoption requested) (Petitioner David K. Byers, Administrative Director, Administrative Office of the Courts)
2. 17-Jul-2026 On July 16, 2026, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to amend Rule 16 of the Rules of Civil Procedure and to adopt a new Rule 65.3 of those same rules. The proposed rule changes relate to recently enacted SB 1566, which authorizes a city, town, or county to sue in superior court to challenge a finding by the attorney general of "malicious delay" by the city, town, or county in responding to an application for single-family residential construction. The proposed rule changes are intended to conform the rules to the legislation's requirements for scheduling and expediting such a proceeding.

To ensure that the Court considers and acts on the proposed amendments before the recent legislation goes into effect on September 12, 2026, Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and that the amendments it proposes be adopted on an emergency basis under Rule 28(h)(2) of the same rules.

Upon consideration,

IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that during its August 2026 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed amendment to Rule 16 of the Rules of Civil Procedure and new Rule 65.3 of those same rules. If it does, the Court will consider whether to adopt the amendment and new rule on a permanent basis during its December 2026 Rules Agenda. If it decides not to adopt the proposed amendment and new Rule on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its December 2026 Rules Agenda.

IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2026, and any reply due no later than October 15, 2026.

The petition 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, the "Rules of Civil Procedure" can be found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://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 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. Ann A. Scott Timmer)