

IN THE
Court of Appeals
STATE OF ARIZONA
DIVISION ONE

**CIVIL APPEALS DOCKETING STATEMENT
INSTRUCTIONS**

Arizona Rule of Civil Appellate Procedure 12(e) requires an appellant to file a civil appeals docketing statement in superior court within 10 days after filing the notice of appeal. A copy of the notice of appeal must be filed with the docketing statement. In cases involving multiple appellants, the Court encourages appellants to consult with each other and file a single docketing statement. A cross-appellant must file a docketing statement within 10 days after filing a notice of cross-appeal.

Copies of the docketing statement must be served on all other parties to the appeal. Failure to file or serve a docketing statement within the time prescribed may result in sanctions, including dismissal of the appeal.

The docketing statement assists the parties in identifying common procedural and jurisdictional problems prior to briefing and provides the Court of Appeals with information it needs to properly process the appeal. The docketing statement must be completed fully and accurately. The omission of an issue from a docketing statement, however, will not by itself support a motion to strike an argument from the opening brief.

IN THE
Court of Appeals
STATE OF ARIZONA
DIVISION ONE

CIVIL APPEALS DOCKETING STATEMENT

Case Name:

v.

1 CA-CV _____

_____ County Superior Court

Superior Court case number: _____

Trial Judge _____

Party/Parties filing appeal/cross-appeal:

A. TIMELINESS OF APPEAL

1. Date judgment/order was entered: _____
2. Is the judgment/order signed as required by Ariz. R. Civ. P. 58(a)?
 Yes No

If no, state the date by which a form of judgment or order will be filed with the superior court with a request that it be signed and filed with the Clerk of the Superior Court: _____¹

¹ In an appeal from an unsigned order or judgment, the appellant must ensure that a signed order or judgment corresponding to the unsigned order from which the appeal has been taken is filed with the clerk of the superior court as soon as possible. The

3. Was the time for appeal extended by a motion?

_____ Yes _____ No

If yes:

a. Identify the motion:

_____ Motion for new trial. *See* Ariz. R. Civ. P. 59(a) and (d); Ariz. R. Fam. L. P. 83(A)

_____ Motion to alter or amend judgment. *See* Ariz. R. Civ. P. 59(l); Ariz. R. Fam. L. P. 84

_____ Motion for judgment as a matter of law. *See* Ariz. R. Civ. P. 50

_____ Motion to amend/make additional findings. *See* Ariz. R. Civ. P. 52(b); Ariz. R. Fam. L. P. 82(B)

_____ Notice of intent to claim attorney's fees. *See* Ariz. R. Civ. P. 54(g)

b. Date motion was filed: _____

c. Date the court ruled on the motion: _____

d. Was the ruling on the motion made in a signed order?

_____ Yes _____ No

If no, state the date by which a form of judgment or order will be filed with the superior court with a request that it be signed and filed with the Clerk of the Superior Court: _____

4. Are any motions currently pending in superior court?

_____ Yes _____ No

superior court has continuing authority to act in furtherance of an appeal. *State v. O'Connor*, 171 Ariz. 19, 22, 827 P.2d 480, 483 (App. 1992). The superior court's signing and filing of a form of judgment or order corresponding to an unsigned order from which an appeal has been commenced is an action in furtherance of the appeal. *See Eaton Fruit Co. v. California Spray-Chemical Corp.*, 102 Ariz. 129, 130 426 P.2d 397, 398 (1967).

If yes, state:

a. The name of the motion: _____

b. Date motion was filed: _____

5. Date notice of appeal was filed: _____ (Note: Include a copy of the notice of appeal with this docketing statement.)

6. Has more than one party appealed from the judgment or order?

_____ Yes _____ No

If yes, state the date each notice of appeal was filed and identify the party filing the notice of appeal.

B. APPEALABILITY OF THE JUDGMENT OR ORDER

1. Basis for appellate jurisdiction (check all that apply):

_____ A.R.S. § 12-2101(A)(1)

_____ A.R.S. § 12-2101(A)(5)(d)

_____ A.R.S. § 12-2101(A)(2)

_____ A.R.S. § 12-2101(A)(6)

_____ A.R.S. § 12-2101(A)(3)

_____ A.R.S. § 12-2101(A)(7)

_____ A.R.S. § 12-2101(A)(4)

_____ A.R.S. § 12-2101(A)(8)

_____ A.R.S. § 12-2101(A)(5)(a)

_____ A.R.S. § 12-2101(A)(9)

_____ A.R.S. § 12-2101(A)(5)(b)

_____ A.R.S. § 12-2101(A)(10)(a)

_____ A.R.S. § 12-2101(A)(5)(c)

_____ A.R.S. § 12-2101(A)(10)(b)

_____ A.R.S. § 12-2101(A)(11)(a)

_____ A.R.S. § 12-2101.01(A)(3)

_____ A.R.S. § 12-2101(A)(11)(b)

_____ A.R.S. § 12-2101.01(A)(4)

_____ A.R.S. § 12-2101.01(A)(1)

_____ A.R.S. § 12-2101.01(A)(5)

_____ A.R.S. § 12-2101.01(A)(2)

_____ A.R.S. § 12-2101.01(A)(6)

2. List all parties to the superior court action (use a separate sheet, if necessary):

3. If all parties in superior court are not parties to this appeal, explain in detail (with specific reference to the record) why those parties are not included in this appeal, e.g., the parties were dismissed, not served, or other:

4. Describe (in three to five words) each party's separate claims, counterclaims, cross-claims or third-party claims, and the manner each such claim was resolved in the superior court (i.e., bench trial, jury verdict, dismissal, summary judgment, default judgment or other). Include specific references to the record. Use a separate sheet, if necessary.

5. State the nature and basis of the judgment/order appealed from (i.e., bench trial, jury trial, summary judgment, grant of motion to dismiss, denial of motion for relief for judgment, discovery sanction).

6. Does the judgment/order appealed from dispose of all claims and all parties?

_____ Yes _____ No

a. If yes, is it certified as final pursuant to Ariz. R. Civ. P. 54(c)?²

_____ Yes _____ No

b. If no, was it made appealable pursuant to Ariz. R. Civ. P. 54(b) or Ariz. R. Fam. L.P. 78(B)?

_____ Yes _____ No

² Pursuant to Rule 54(c), "A judgment shall not be final unless the court states that no further matters remain pending and that the judgment is entered pursuant to Rule 54(c)."

- c. Specify any claims that remain pending in superior court, including any claims for attorney's fees:

7. Did this case originate in a justice of the peace court or municipal court?

_____ Yes _____ No

If yes, was there:

_____ An appeal to the superior court; or

_____ A special action to the superior court.

8. Does this appeal involve a contempt judgment or order?

_____ Yes _____ No

C. OTHER INFORMATION

1. Do you intend to order any transcripts of the proceedings from which the appeal is taken?

_____ Yes _____ No

If yes:

- a. Have you made all necessary arrangements with the court reporter(s) for preparation of the transcript(s)?

_____ Yes _____ No

- b. State estimated date of completion of transcript(s):_____.

If no, state why not (*see* Ariz. R. Civ. App. P. 11(b) - (d)):

2. Identify issues to be raised on appeal:

3. Are you aware of any pending appeals in this court raising the same or closely related issues?

_____ Yes _____ No

If yes, state the case name and number, if known: _____

4. Would this appeal be appropriate for acceleration pursuant to Ariz. R. Civ. App. P. 29? (Parties may stipulate to accelerated treatment under Rule 29(a)(1) by filing a [form](#) prescribed by the Court.)

_____ Yes _____ No

If yes, state why: _____

5. Would this appeal be appropriate for the appellate settlement program? (A party wishing to participate in the settlement program should file a written request, which shall be treated as confidential. *See* Ariz. R. Civ. App. P. 30(f).)

_____ Yes _____ No

If yes, state why: _____

6. Would this appeal be appropriate for inclusion in the Court's Connecting With The Community High School Program? See <http://azcourts.gov/coa1/ConnectingwiththeCommunity.aspx>.

Yes No

7. Are you requesting to participate in the Appellate Pro Bono Pilot Program in Maricopa County? **PLEASE NOTE:** This program is limited to certain appeals from Maricopa County Superior Court. See <http://azcourts.gov/coa1/AppellateAssistanceProgram.aspx>

Yes No

8. Does this case involve an assertion or allegation that a state statute, ordinance, franchise or rule is unconstitutional on its face, or that a municipal ordinance or franchise is facially invalid?

Yes No

If yes, has A.R.S. § 12-1841 been complied with?

Yes No

If no, please list the specific steps that appellant will take to comply with A.R.S. § 12-1841 before this appeal is submitted for decision:

D. OTHER PENDING AND PRIOR PROCEEDINGS

1. Has any other notice of appeal, petition for special action or petition for review been filed from the same or consolidated superior court action?

Yes No

If yes, identify the case number of that appeal, special action or petition for review: _____

2. Are there any other appeals pending in the Court of Appeals involving the same parties, events or transactions giving rise to this appeal?

Yes No

If yes, state the case number for that appeal: _____

3. Has any bankruptcy court petition been filed or has any other proceeding been commenced in another court that affects this court's jurisdiction over this appeal?

Yes No

If yes, identify that proceeding: _____

E. CONTACT INFORMATION

1. This Docketing Statement is filed by or on behalf of:

(Name of Party)

By: _____

Address: _____

Email address: _____

Telephone: _____

Check one:

Appellant Cross-Appellant

If this is a joint statement by multiple appellants, add the names and addresses of other counsel/parties on an additional sheet accompanied by certification that they concur in the contents of this statement.

2. Opposing party information:

(Name of Party)

Counsel for Opposing Party: _____

Address: _____

Email address: _____

Telephone: _____

(List additional counsel/parties on separate sheet if necessary.)

CERTIFICATION OF SERVICE

I certify that on the ____ day of _____, _____, I served copies of the above Docketing Statement on all counsel/parties of record by email or by depositing a true copy thereof in the United States mail addressed as follows:

Signature