



SMALL CLAIMS PILOT PROGRAM

NOTICE TO LITIGANTS-PLEASE READ AND ASK US IF YOU HAVE QUESTIONS

As a litigant in a small claims case filed in this court after December 1, 2018,¹ there are a couple of important changes of which you need to be aware to keep your case on track.

Within 60 Days—File Proof of Service of Process

As the plaintiff, you must file proof of service of process or transfer the matter out of the small claims division not later than 60 days after filing the complaint. Make sure that you promptly file the affidavit of service or the return receipt signed by the defendant if you are relying on service by certified, restricted mail.

Not sure how to serve your complaint? Refer to the information on How to File a Small Claims Complaint & Summons at justicecourts.maricopa.gov/HowTo/SC_Complaint_Summons_packet.pdf

Need more time to serve the complaint? You may want to file a Request to Transfer Small Claims Case to the Civil Division where there would be additional time to complete service of process. Information is at justicecourts.maricopa.gov/HowTo/SC_Request_for_Transfer_to_Civil_packet.pdf

- ✓ If no action is taken: For any defendant where proof of service of process is not filed timely or if it has not been transferred out of the Small Claims Division, the court will dismiss the complaint without prejudice. Pilot Rule 113(i)(1). You would have the option to start over and refile.

Keep Your Case Moving Toward a Resolution

As the plaintiff, you are responsible for keeping your case moving toward a resolution. If the defendant files an answer, a hearing will be scheduled within 60 days. If you receive an answer but don't get notice of a hearing date within a week, call the court to confirm that an answer was filed. If an answer is not filed, you need to complete the process to obtain a default judgment. Information is available on how to do this at justicecourts.maricopa.gov/HowTo/Application_for_Default_packet.pdf

- ✓ If your case is not resolved within 100 days after filing the complaint, a notice will be mailed informing you that unless a final judgment is entered within 2 months, the court may dismiss the lawsuit. Pilot Rule 144(e)(1).

Pilot Program Authorized by Arizona Supreme Court

The two changes described above were authorized by the Arizona Supreme Court in Administrative Order 2018-104 available at azcourts.gov/Portals/22/admorder/Orders18/2018-104.pdf?ver=2018-10-31-140332-950. Copies of the two pilot rules are attached to this notice for your convenience.

If you have any questions, are confused by the process, or want to know the status of your case, please contact court staff. They will not be able to give you legal advice, but they are able to explain the process.

¹This pilot program does not apply to the Hassayampa Justice Court or the Manistee Justice Court.



Justice Court Rules of Civil Procedure

Rule 113. Serving a Summons and Complaint

i. Dismissal because of lack of service; service on some but not all defendants.

(1) Small Claims Cases. Not later than 60 days after the filing date of the complaint in the small claims division, the plaintiff must file proof of service of process or transfer the matter out of the small claims division. As to any defendant for whom proof of service of process is not timely filed, the court shall dismiss without prejudice the complaint against them.

(2) All Other Cases. After at least twenty (20) days notice to plaintiff, the court may dismiss a complaint as to any defendant who has not been served with the summons and complaint within one hundred twenty (120) days after the filing date of the complaint. Before the dismissal date, if the plaintiff shows good reasons why a defendant has not been served, the court may extend the time for service. When some but not all of the defendants in a lawsuit have been timely served, the court may dismiss from the lawsuit the defendants who have not been served, and allow the plaintiff to proceed against the defendants who have been served. [ARCP 4(i), 5(b)]

Rule 144. Dismissal of Lawsuits

e. Dismissal for failure to conclude a lawsuit ~~within ten months.~~

(1) Small Claims Cases. If a final judgment has not been entered within 100 days from the filing date of the complaint remaining in the small claims division, the court will mail a notice to the plaintiff and to any defendant who has appeared in the lawsuit informing them that unless this requirement is met within two (2) months from the date of mailing, the court will dismiss the lawsuit for failure to have judgment timely entered. If the requirement has not been met within two (2) months from the mailing of the court's notice, the court will dismiss the lawsuit without further notice to the parties.

(2) All Other Cases. If a final judgment has not been entered within ten (10) months from the date a lawsuit is filed, or if a party has not filed a written motion to extend the time for entry of judgment to a particular date, the court will mail a notice to the plaintiff and to any defendant who has appeared in the lawsuit informing them that unless this requirement is met within two (2) months from the date of mailing, the court will dismiss the lawsuit for failure to have judgment timely entered. If the requirement has not been met within two (2) months from the mailing of the court's notice, the court may dismiss the lawsuit without further notice to the parties.