

MOTION to SET FOR TRIAL

3

**HOW TO SET YOUR CASE FOR TRIAL
WHEN A RESPONSE/ANSWER HAS
BEEN FILED**
(FORMS & INSTRUCTIONS)

© Superior Court of Arizona in Maricopa County
Packet Last Revised June 2008
RIGHTS RESERVED
GNT5c - 5350



SELF-SERVICE CENTER

MOTION TO SET FOR TRIAL (formerly "TRIAL PREPARATION")

HOW TO SET YOUR CASE FOR TRIAL

This packet contains court forms **and** instructions about how to set your case for trial. The documents should appear in order as follows.

Items in **BOLD** print are forms that are turned in to the Court. Take them to the Clerk of Court's filing counter. Non-bold items are instructions or procedures. Do not copy or file instruction pages.

Order	File Number	Title	# pages
1	GNT5t	Table of forms and instructions (this page)	1
2	GNT5k	Checklist: <i>You may use these forms if . . .</i>	1
3	GNT52i	Instructions: How to Fill Out the " Motion to Set and Certificate of Readiness "	2
4	GNT52f	"Motion to Set and Certificate of Readiness"	3
5	GNT52p	Procedures: What to Do With the " Motion to Set and Certificate of Readiness " After You Have Filled it Out	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

HOW TO SET YOUR CASE FOR TRIAL

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ A petition/complaint **and** a response/answer were filed with the court in this case, AND
- ✓ You want the Court to set a date and time for your trial, AND
- ✓ **IF this is a Family Court case, at least one party is represented by an attorney.**

NOTE: If this is a Family Court Case and no party to the case is represented by an attorney, the Court will notify you of a hearing date and time *and you will not need this packet.*

✗ DO NOT USE THIS PACKET IN A FAMILY COURT CASE IF THERE ARE NO ATTORNEYS REPRESENTING ANY PARTY IN THE CASE.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at:
www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/

SELF-SERVICE CENTER

INSTRUCTIONS:

HOW TO FILL OUT THE “*MOTION TO SET AND CERTIFICATE OF READINESS*”

USE THIS FORM ONLY if there has been a petition/complaint **and** an answer/response filed in your case. By filing a “*Motion to Set and Certificate of Readiness*”, you are telling the court that you want to go forward with the trial and that discovery is done if you have a Family Court case or that discovery will be done in 60 days if you have a Civil case. Here are the steps to help you fill out the “*Motion to Set and Certificate of Readiness*”.

STEP 1: FILL OUT THE “*MOTION TO SET AND CERTIFICATE OF READINESS*”

- A. Make sure your form is titled “*Motion to Set and Certificate of Readiness.*” Type or print using **black ink only!**
- B. In the top left corner of the first page fill in the information requested.
- C. “Name of Petitioner/Plaintiff”. In this space, put the name of the party who filed the original case. If the **other** party filed the original case, he/she will be the Petitioner/Plaintiff. In the space that says “Name of Respondent/Defendant,” fill in the name of the Respondent/Defendant. Whoever was the Respondent/Defendant for the filing of the original case will be the Respondent/Defendant for **all** other papers filed in this case.
- D. Fill in your case number where it says “Case Number _____.” Your case number stays the same any time papers are filed in your case. Then fill in the name of the judge assigned to your case. If you do not know the name of the judge assigned to your case, call the court where your case was filed:

Family Court Administration (Phoenix/Surprise/Northeast) 602-506-7879 or 602-506-1561
Family Court Administration (Mesa) 602-506-2021
Civil Court Administration (Phoenix) 602-506-1497
Civil Court Administration (Surprise) 602-372-9400
Civil Court Administration (Northeast: 40th Street & Union Hills, Phoenix) 602-372-7904
Civil Court Administration (Mesa) 602-506-2021

E. INFORMATION ABOUT MY CASE.

1. **SET MY CASE FOR TRIAL.** Put an “X” in this box if you want the court to set your case for trial. Then add the date your case will be ready for trial.
2. **WE DO NOT AGREE.** Put an “X” in this box if a Petition **or** Complaint **and** a Response or Answer have been filed. This tells the court that there are still disagreements between you and the other party, and a Hearing or Trial is necessary to settle the things you, and the other party, do not agree about.
3. **CIVIL CASE OR FAMILY COURT CASE.** Put an “X” in the Civil Case box if your case is a Civil Case or put an “X” in the Domestic Relations/Family Court box if your case is a Domestic Relations/Family Court case. If you have questions about “*Discovery*”, you should ask a lawyer for help.
4. **INFORMATION ABOUT YOUR LAWYER.** If you **are** represented by an attorney, put his/her name, address, city, state, zip code, and telephone number in this space. If you **are not** represented by an attorney, mark the box to indicate you are not represented by a lawyer. Make sure your contact information is correct at the top of the first page.]

5. **INFORMATION ABOUT THE OTHER PARTY.** If the other party **is** represented by an attorney, put the attorney's name, address, city, state, zip code, and telephone number in the space provided. If the other party **is not** represented by an attorney, write in the other party's name, address, city, state, zip code, and telephone number in this space.
6. **PREFERENCE FOR TRIAL.** If your case is a divorce, paternity, and/or custody case, your case is given special preference by the court. Put an "X" in the box that says "this case is entitled to be heard before other cases," and check the box in front of Domestic Relations/Family Court case. If you do not know whether your case is entitled to preference, see a lawyer for help.
7. **SHORT CASE.** Some cases can be heard in an hour or less. If a lawyer has told you that your case can be heard in an hour or less, check the "yes" box; otherwise, check the "no" box. If you are "not sure," check the "not sure" box.
8. **ESTIMATED LENGTH OF TRIAL.** Indicate how long you think the trial will take. Generally, if it is a divorce, paternity or custody trial, you should request "1 Day." If you will be having a lot of witnesses, experts, and/or if there is an attorney for the other side, you may want to request "1 Day." If there are no witnesses, other than you and the other party, and you don't have a lot to tell the judge, you should ask for "2 Hours." The court will decide how much time to schedule for the trial. If the trial takes longer than the time allowed, the judge can continue the trial to another date and time.
9. **CIVIL CASES ONLY. JURY TRIAL.** If your case is a civil case and you want a jury trial, check the "yes" box; otherwise check the "no" box. Jury trials are **not** allowed in Domestic Relations/Family Court cases. **You are not required to fill this section out.**
10. **CIVIL CASES ONLY. ARBITRATION.** Write in "N/A" for "not applicable" if your case is a Domestic Relations/Family Court case. If your case is a Civil case, write in the amount of money or damages you and the other party are having a dispute over. If you and the other party are disputing over less than \$50,000, then your case is subject to Arbitration and you should check the "yes" box; otherwise, check the "no" box.
11. **TODAY'S DATE.** Print, or type, in black ink in the space provided, the day of the month, the month and the year you signed the motion. Sign your name on the line provided.
12. **DECLARATION:** Print or type the day of the month, the month, and the year you did each of these things. Then sign your name to confirm to the court that you gave, or mailed, the papers to the person(s) whose name(s) appear in the section above your signature.

STEP 2: GO TO THE "PROCEDURES" PAGE. After you have filled out the motion, read and follow the instructions on the page titled "**PROCEDURES: WHAT TO DO WITH THE "Motion to Set and Certificate of Readiness" NOW THAT YOU HAVE FILLED IT OUT**".

Your Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime / Evening Phone: _____ / _____
In this case I am a: Petitioner/Plaintiff or a Respondent/Defendant OR
 Represented by Attorney
Attorney Name: _____ Bar No.: _____
Attorney Phone: _____ Atty. Email: _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

MOTION TO SET AND CERTIFICATE OF READINESS

Name of Respondent/Defendant

Assigned to: _____
Judge's Name

INFORMATION ABOUT MY CASE: You must check one box after each number. The statements must be true before you can check the box and file this document with the court.

1. **SET MY CASE FOR TRIAL.** By filing this motion, I am asking the court to set this case for trial. My case will be ready for trial on or after _____ (date). I have identified all issues known to me at this time, that are related to this matter.
2. **WE DO NOT AGREE.** A Petition or Complaint **AND** an Answer or Response in this case have been filed. The other party and I **do not** agree and we **have not** been able to settle this case.
3. **CIVIL CASE:** My case has a "CV" case number. The parties have completed, or will have had a reasonable opportunity to complete, Discovery within 60 days of the date I file this **"Motion to Set and Certificate of Readiness"** with the Clerk of the Court. (Discovery is the way to obtain facts and information from the other party. By checking this box and signing this document, I am telling the court that I have obtained all of the facts and information I need from the other party and that I have answered all discovery requests from the other party, OR that this will happen within 60 days from the date I sign this document.) Note: Both parties are required to give the other party a disclosure statement. See Rule 26.1. Arizona Rules of Civil Procedure.

OR

- DOMESTIC RELATIONS/FAMILY COURT CASE:** My case has a "DR" OR "FC" OR "FN" case number. The parties have completed, or have had a reasonable opportunity to complete, Discovery. (Discovery is the way to obtain facts and information from the other party. By checking this box and signing this document, I am telling the court that I have obtained all of the facts and information I need from the other party, and that I have answered all discovery requests from the other party.)

4. **INFORMATION ABOUT YOUR LAWYER** (if applicable):

I do **not** have a lawyer.

(OR)

My Lawyer's Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

5. **INFORMATION ABOUT THE OTHER PARTY OR HIS/HER LAWYER**

(If **other party** has a lawyer, enter the information below *for the other party's lawyer.*)

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

6. **PREFERENCE FOR TRIAL.** This case **is** entitled or **is not** entitled to be heard before other cases. Your case is entitled to be heard before other cases because it is a:

Case granted a preference by statute or other rule of court.

The citation of the statute or rule is _____, OR

Juvenile Case ("JV" case number) _____, OR

Criminal Case ("CR" case number) _____, OR

Family Court Case ("FC" case number), _____, OR

Probate Case, ("PB" case number) _____, OR

Short Cause Civil Case, (short case that can be heard in an hour or less) OR

Hardship Civil Case, OR

Mental Health Case ("MH" case number) _____.

7. **SHORT CASE.** This case may be heard in an hour or less. YES or NO NOT SURE

8. **ESTIMATED LENGTH OF TRIAL.** How long will the trial in this case last?

Estimated length of time: _____ hours or _____ days. (Refer to Instructions)

9. **CIVIL CASES ONLY. JURY TRIAL.** My case is a civil case, has a CV number, and I want a jury trial. YES or NO

10. **CIVIL CASES ONLY. ARBITRATION.** The amount of money we have a dispute over is approximately \$ _____. (If the amount of money you are disputing over is less than \$50,000, your case is subject to Arbitration. If the amount of money you are disputing over is more than \$50,000, your case is not subject to Arbitration.) With this in mind, is your case subject to Arbitration?

YES or NO.

(Item 12 in instructions)

11. **I state under penalty of perjury that the information and statements provided above are true and correct.**

Date

Signature of Person Filing Document

I declare to the Court, under penalty of perjury, that I have done the following:

1. I gave the Clerk of the Court the ORIGINAL of the *“Motion to Set and Certificate of Readiness”*, to file, on this date: _____ (month, day, year).

2. **FOR FAMILY COURT CASES ONLY.** I gave Family Court Administration a COPY of the *“Motion to Set and Certificate of Readiness”* to deliver to the judge assigned to my case, on this date: _____ (month, day, year).

FAMILY COURT OR CIVIL CASES. I put a COPY of the *“Motion to Set and Certificate of Readiness”* in the Judge’s box, on this date: _____ (month, day, year). (NOTE: At the Phoenix and Mesa courthouses, the box is located at Court Administration; At the Surprise courthouse, it is across from the Information Counter.)

FAMILY COURT OR CIVIL CASES. I mailed a copy of the *“Motion to Set and Certificate of Readiness”* to the judge assigned to my case, on this date: _____ (month, day, year).

3. (You must mail or deliver a copy of the *“Motion to Set and Certificate of Readiness”* to the other party or his/her lawyer. If there is a Court Order for the parties to not have contact, do NOT deliver in person to the other party.)

I mailed or delivered a COPY of the *“Motion to Set and Certificate of Readiness”* to the other party or to his/her attorney at the address below on this date: _____ (month, day, year).

Name of Other Party

Name of Other Party’s Lawyer

Address

Lawyer’s Address

City, State, Zip

City, State, Zip

By signing below, I declare to the Court, under penalty of perjury, that I have filed/mailed/delivered the attached document(s) as shown above.

Signature of Person Filing Document

Date

SELF SERVICE CENTER

PROCEDURES: WHAT TO DO WITH THE “*MOTION TO SET AND CERTIFICATE OF READINESS*” AFTER YOU HAVE FILLED IT OUT

USE THIS FORM ONLY if you have filled out the “*Motion to Set and Certificate of Readiness*” and you want a trial to be set in your case. Here are the steps you need to take:

STEP 1: **REVIEW THE COURT FORM CALLED “*MOTION TO SET AND CERTIFICATE OF READINESS*.”** Make sure that the “*Motion to Set and Certificate of Readiness*” has been completely filled out using a typewriter or black ink. Be sure to **sign and date** it **before** you make the copies, even though you have not actually done all the things you promised to do on the last page of the “*Motion to Set and Certificate of Readiness*.”

STEP 2: **COPIES.** Make **3 copies** of the “*Motion to Set and Certificate of Readiness*” and follow these instructions **exactly**:

ORIGINAL “*MOTION TO SET AND CERTIFICATE OF READINESS*.” Hand the original and copies of the “*Motion to Set and Certificate of Readiness*” to the Clerk of the Court where you filed your case. Ask the Clerk to stamp the copies and return them to you. These are now “conformed” copies. The stamp provides proof the original was filed.

COPY 1 of the “*MOTION TO SET AND CERTIFICATE OF READINESS*”: Mail one copy to the other party or to his/her attorney, if the other party is represented by an attorney. If the other party is **not** represented by an attorney, make sure you mail a copy to the other party.

COPY 2 of the “*MOTION TO SET AND CERTIFICATE OF READINESS*.” Give one copy to the Domestic Relations/Family Court Administration, if you have a Domestic Relations/Family Court case, or put a copy in the judge’s box in Civil Court Administration, or mail a copy to the judge if you have a CV case or a DR/FC case. Court staff will deliver this copy to the Judge.

COPY 3 of the “*MOTION TO SET AND CERTIFICATE OF READINESS*”: Keep this copy for your records.

STEP 3: **WAIT TO RECEIVE A NOTICE FROM THE COURT.** Once you have filed the “*Motion to Set and Certificate of Readiness*,” you should be contacted by the office of the judge assigned to your case, telling you the dates of your Pretrial Conference, and your Trial. The document you will receive in the mail is called a “*Minute Entry*,” and it will give you instructions about what to file before the Trial.