

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

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| IN THE MATTER OF ESTABLISHING A |) | ADMINISTRATIVE ORDER |
| COMMERCIAL COURT PILOT PROJECT |) | NO. 2015-055 |
| |) | |
| _____ |) | |

WHEREAS, the Supreme Court issued Administrative Order No. 2015-15 on February 18, 2015, adopting Experimental Arizona Rule of Civil Procedure 8.1 and authorizing the establishment of a Commercial Court Pilot Program in Maricopa County; and

WHEREAS, the Superior Court in Maricopa County has established the necessary processes to start the program as of July 1, 2015; and

WHEREAS, judges have the authority and flexibility under the Rules of Civil Procedure to, where appropriate, tailor case management to the unique needs of commercial cases in order to promote the expeditious and efficient resolution of disputes,

IT IS ORDERED establishing the Commercial Court Pilot Program in Maricopa County as part of the court's civil division effective July 1, 2015. The program will end June 30, 2018 unless extended by order of the Presiding Judge.

IT IS FURTHER ORDERED designating the Honorable Dawn Bergin, the Honorable Roger Brodman and the Honorable Christopher Whitten as Commercial Court Judges effective July 1, 2015.

IT IS FURTHER ORDERED that civil cases filed on or after July 1, 2015 that qualify as Commercial Cases under Experimental Rule 8.1 will be assigned to the Commercial Court.

IT IS FURTHER ORDERED that assignment of Commercial Cases shall occur as follows:

1. As required by Experimental Rule 8.1, a Plaintiff filing a case that qualifies as a Commercial Case must so state upon the filing of the initial complaint by: (1) checking the appropriate box on the Civil Cover Sheet; and (2) including on the initial complaint's caption the words "commercial court assignment requested."

2. Upon the filing of a case that the Plaintiff indicates qualifies as a Commercial Case, the Clerk's Office will forward the case to civil court administration, which will assign it permanently to one of the three Commercial Court Judges.
3. If a temporary restraining order or other emergency relief is sought in a Commercial Case, and a party brings the case to civil court administration for immediate assignment, civil court administration will assign the case permanently to one of the three Commercial Court Judges.
4. Upon assignment of a Commercial Case, the court may issue a standard procedural order, or the Commercial Court Judges may issue their own procedural orders.
5. Questions or disputes concerning whether a case qualifies as a Commercial Case, should be designated a Commercial Case, or should remain a Commercial Case will be resolved according to the procedures in Experimental Rule 8.1.

IT IS FURTHER ORDERED that, at the Scheduling Conference held pursuant to Experimental Rule 8.1(f) and 16(d), or at any time, the court may tailor the procedures applicable to the case consistent with the Rules of Civil Procedure. The court may consider or order any of the following:

1. That a party or party representative with authority over the conduct of the litigation appear in person at the Initial Conference.
2. That, for case management purposes, counsel provide the court and the parties a good faith estimate of the attorneys' fees and other litigation expenses necessary to litigate the matter.
3. That limits be established for document production, depositions and/or other discovery.
4. That protocols be established for electronically stored information. Commercial Court Judges may adopt or require parties to use a form electronically stored information checklist and/or a form order concerning electronically stored information.
5. That the parties comply with a protective or confidentiality order concerning documents. Commercial Court Judges may adopt form protective orders.
6. That an early mediation or settlement conference take place before a judge pro tem, another judge, a private mediator or, with the parties' consent, the assigned judge.

7. That a non-binding short trial be conducted early in the case for purposes of facilitating settlement.
8. That trial be accelerated if appropriate.
9. That motion practice be sequenced or structured in a manner that promotes efficient resolution of the case.
10. Any other order consistent with the Rules of Civil Procedure that the court, in its discretion, finds appropriate to facilitate the prompt, efficient and fair resolution of the matter.

IT IS FURTHER ORDERED that a Commercial Court judge may, on the judge's own motion or at the request of a party, designate for publication a minute entry or order issued in a commercial case. Minute entries or orders of the Superior Court are not binding precedent.

Dated this 22nd day of May, 2015.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Scott Bales, Chief Justice, Supreme Court of Arizona
Hon. Janet Barton, Associate Presiding Judge
Hon. John Rea, Civil Presiding Judge
Hon. Dawn Bergin, Superior Court Judge
Hon. Roger Brodman, Superior Court Judge
Hon. Christopher Whitten, Superior Court Judge
Hon. Michael K. Jeanes, Clerk of the Superior Court
Raymond L. Billotte, Judicial Branch Administrator