

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1346

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 12, chapter 10, Arizona Revised Statutes, is amended  
3 by adding article 4, to read:

4 ARTICLE 4. CLASS ACTIONS

5 12-1871. Determination of maintainability; notice; rebuttable  
6 presumption; judgment; subclasses

7 A. AFTER THE COMMENCEMENT OF AN ACTION THAT IS BROUGHT AS A CLASS  
8 ACTION AND AFTER A HEARING, THE COURT SHALL DETERMINE BY ORDER WHETHER THE  
9 ACTION IS TO BE MAINTAINED AS A CLASS ACTION. THE COURT MAY CONDITION,  
10 ALTER, AMEND OR WITHDRAW ITS ORDER AT ANY TIME BEFORE THE DECISION ON THE  
11 MERITS.

12 B. IF THE COURT FINDS THAT AN ACTION SHOULD BE MAINTAINED AS A CLASS  
13 ACTION, THE COURT SHALL CERTIFY THE ACTION IN WRITING, SHALL SET FORTH ITS  
14 REASONS AS TO WHY THE ACTION SHOULD BE MAINTAINED AS A CLASS ACTION AND SHALL  
15 DESCRIBE ALL EVIDENCE IN SUPPORT OF ITS DETERMINATION.

16 12-1872. Court orders

17 IN THE CONDUCT OF CLASS ACTIONS, THE COURT MAY MAKE ORDERS THAT:

18 1. DETERMINE THE COURSE OF THE PROCEEDINGS OR THAT PRESCRIBE MEASURES  
19 TO PREVENT UNDUE REPETITION OR COMPLICATION IN THE PRESENTATION OF EVIDENCE  
20 OR ARGUMENT.

21 2. FOR THE PROTECTION OF THE CLASS MEMBERS OR FOR THE FAIR CONDUCT OF  
22 THE ACTION, REQUIRE THAT NOTICE BE GIVEN IN ANY MANNER THE COURT DIRECTS TO  
23 SOME OR ALL OF THE MEMBERS OF ANY STEP IN THE ACTION, OF THE PROPOSED ENTRY  
24 OF JUDGMENT OR OF THE OPPORTUNITY OF MEMBERS TO SIGNIFY WHETHER THEY CONSIDER  
25 THE REPRESENTATION TO BE FAIR AND ADEQUATE, TO INTERVENE AND PRESENT CLAIMS  
26 AND DEFENSES OR OTHERWISE TO COME INTO THE ACTION.

27 3. IMPOSE CONDITIONS ON THE REPRESENTATIVE PARTIES OR ON INTERVENORS.

1           4. REQUIRE THAT THE PLEADINGS BE AMENDED TO ELIMINATE ALLEGATIONS AS  
2 TO REPRESENTATION OF ABSENT PERSONS AND THAT THE ACTION PROCEED ACCORDINGLY.

3           5. DEAL WITH SIMILAR PROCEDURAL MATTERS.

4           6. COMBINE WITH ANY OTHER APPROPRIATE PRETRIAL ORDER.

5           12-1873. Appeals; stay

6           A. THE COURT'S CERTIFICATION OR REFUSAL TO CERTIFY A CLASS ACTION IS  
7 APPEALABLE IN THE SAME MANNER AS A FINAL ORDER OR JUDGMENT.

8           B. IF AN APPEAL IS FILED PURSUANT TO THIS SECTION, ALL DISCOVERY AND  
9 OTHER PROCEEDINGS SHALL BE STAYED.

10           C. AN APPEAL FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE  
11 ENTITLED TO PREFERENCE."

12 Amend title to conform

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