

REFERENCE TITLE: vexatious litigants; designation

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2021

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 24; RELATING TO VEXATIOUS LITIGANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, Arizona Revised Statutes, is amended by adding
3 chapter 24, to read:

4 CHAPTER 24

5 VEXATIOUS LITIGANTS

6 ARTICLE 1. GENERAL PROVISIONS

7 12-3201. Vexatious litigants; designation; court order

8 A. IN ANY LITIGATION PENDING IN ANY COURT IN THIS STATE, AT ANY TIME
9 UNTIL FINAL JUDGMENT IS ENTERED, A DEFENDANT MAY MOVE THE COURT, ON NOTICE
10 AND HEARING, FOR AN ORDER DESIGNATING A PERSON A VEXATIOUS LITIGANT. THE
11 COURT ON ITS OWN MOTION, ON NOTICE AND HEARING, MAY DESIGNATE A PERSON A
12 VEXATIOUS LITIGANT.

13 B. A PERSON WHO IS DESIGNATED A VEXATIOUS LITIGANT MAY NOT FILE A
14 LAWSUIT OR MOTION OR REQUEST RELIEF WITHOUT PRIOR LEAVE OF THE COURT'S
15 PRESIDING JUDGE OR THE JUDGE'S DESIGNEE. IF A VEXATIOUS LITIGANT IS GRANTED
16 LEAVE TO FILE, ALL SUBSEQUENT FILINGS IN THE MATTER ARE APPROVED.

17 C. A PERSON IS A VEXATIOUS LITIGANT IF THE COURT FINDS THE PERSON DOES
18 ANY OF THE FOLLOWING:

19 1. IN THE IMMEDIATELY PRECEDING SEVEN-YEAR PERIOD, HAS COMMENCED,
20 PROSECUTED OR MAINTAINED IN PROPRIA PERSONA AT LEAST FIVE LITIGATIONS OTHER
21 THAN IN A SMALL CLAIMS COURT THAT HAVE BEEN EITHER:

22 (a) FINALLY DETERMINED ADVERSELY TO THE PERSON.

23 (b) UNJUSTIFIABLY PERMITTED TO REMAIN PENDING AT LEAST TWO YEARS
24 WITHOUT HAVING BEEN BROUGHT TO TRIAL OR HEARING.

25 2. AFTER A LITIGATION HAS BEEN FINALLY DETERMINED AGAINST THE PERSON,
26 REPEATEDLY RELITIGATES OR ATTEMPTS TO RELITIGATE IN PROPRIA PERSONA EITHER:

27 (a) THE VALIDITY OF THE DETERMINATION AGAINST THE SAME DEFENDANT OR
28 DEFENDANTS AS TO WHOM THE LITIGATION WAS FINALLY DETERMINED.

29 (b) THE CAUSE OF ACTION, CLAIM OR CONTROVERSY OR ANY OF THE ISSUES OF
30 FACT OR LAW THAT WERE DETERMINED OR CONCLUDED BY THE FINAL DETERMINATION
31 AGAINST THE SAME DEFENDANT OR DEFENDANTS AS TO WHOM THE LITIGATION WAS
32 FINALLY DETERMINED.

33 3. IN ANY LITIGATION WHILE ACTING IN PROPRIA PERSONA, REPEATEDLY FILES
34 UNMERITORIOUS MOTIONS, PLEADINGS OR OTHER PAPERS, CONDUCTS UNNECESSARY
35 DISCOVERY OR ENGAGES IN OTHER TACTICS THAT ARE FRIVOLOUS OR SOLELY INTENDED
36 TO CAUSE UNNECESSARY DELAY.

37 4. HAS PREVIOUSLY BEEN DECLARED TO BE A VEXATIOUS LITIGANT BY ANY
38 STATE OR FEDERAL COURT OF RECORD IN ANY ACTION OR PROCEEDING BASED ON THE
39 SAME OR SUBSTANTIALLY SIMILAR FACTS, TRANSACTION OR OCCURRENCE.

40 D. AN ORDER DESIGNATING A PERSON A VEXATIONS LITIGANT SHALL BE
41 NARROWLY TAILORED AND LIST ALL OF THE CASES AND MOTIONS THAT THE COURT
42 REVIEWED IN MAKING ITS DETERMINATION.