

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-057063

06/11/2013

COMMISSIONER JOHN R. DOODY

CLERK OF THE COURT
L. Carlson
Deputy

GENERAL MILLS FEDERAL CREDIT UNION JOSHUA ZIMMERMAN

v.

JORGE RUIZ, et al.

JORGE RUIZ
NO ADDRESS ON RECORD

MARK A CIAFULLO

MINUTE ENTRY

The Court has Plaintiff's Motion filed on May 15, 2013, to amend the judgment to augment the amount of attorneys' fees.

The original judgment entered on April 2, 2013, included an attorney fee. According to the pending motion, the fee awarded in the judgment was calculated according to the flat fee agreement between counsel and the Plaintiff. However, the agreement between counsel and Plaintiff also included a contingent fee which was not, however, brought to the Court's attention at the time judgment was entered.

Aside from the fact that the motion does not tell the Court whether the contingency has been met, this particular motion for relief from judgment is filed under Rules of Civil Procedure Rule 60(c)(1). That section authorizes a Court to grant relief by virtue of mistake, inadvertence or excusable neglect, but only if it is reasonable. Counsel does not explain why the contingent fee arrangement was not presented to the Court at the time of the default. Based on the lack of any showing of reasonableness, the Court is compelled to deny the motion for relief from the judgment in this case

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ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.