

Brumett v. MGA Home Healthcare, L.L.C., 240 Ariz. 420, 380 P.3d 659 (App. 2016), opinion after reinstatement of appeal sub nom. Riverbend Homeowners Ass'n v. Edwards, 1 CA-CV 15-0513, 2016 WL 7209658 (App. Dec. 13, 2016)

This consolidated appeal addresses the issue of whether language contemplated by Arizona Rules of Civil Procedure 54(b) and 54(c) is required for a ruling to be appealable other than as a “final judgment” under A.R.S. § 12-2101 (A)(1). Appellate jurisdiction is defined, and limited, by the Arizona Legislature. Under A.R.S. § 12-2101 (A)(1), the Legislature has established that a “final judgment” is appealable and Arizona Courts have found that a judgment must be final before it is appealable pursuant to section 12-2101(A)(1). The Arizona Supreme Court promulgated two procedural rules to define an appealable “final judgment.” Rule 54(b) provides that a superior court may “direct the entry of final judgment as to one or more but fewer than all of the claims or parties” in a case “upon an express determination that there is no just reason for delay and upon an express direction for the entry of [a final] judgment.” Rule 54(c) provides that a “judgment shall not be final unless the court states that no further matters remain pending and that the judgment is entered pursuant to Rule 54(c)” and is required when a judgment resolves all claims against all parties and appellate jurisdiction is premised on A.R.S. § 12-2101 (A)(1).

In addition to A.R.S. § 12-2101 (A)(1), the Legislature, through certain other statutes, has specifically authorized appeals from various types of rulings or orders that are not “final judgments,” including subsections of A.R.S. § 12-2101. The Court of Appeals determined that orders entered pursuant to statutes that do not require a “final judgment” for the order to be appealable do not require Rule 54(b) or Rule 54(c) language. With this determination in mind, the Court turned to the specific statutes at issue in this appeal and found that the following statutes require a final judgment and Rule 54(b) and Rule 54(c) language for an order to be appealable: (1) Title 14 proceedings under A.R.S. § 12-2101(A)(9) and (2) Appeals from the Resolution of An Action to Review An Administrative Decision under A.R.S. § 12-913. The Court found that the following statutes **do not** require a final judgment and therefore **do not** require Rule 54(b) and Rule 54(c) language: (1) Appeal from a Special Order Made After Final Judgment under A.R.S. § 12-2101(A)(2); (2) Appeal From An Interlocutory Judgment under A.R.S. § 12-2101(A)(6), (7), and (8); (3) Appeal from Specific Orders Under A.R.S. § 12-2101 (A)(3),(4),(5)(a)-(d),(10), and (11); (4) Appeal From Rulings Regarding Arbitration Proceedings under A.R.S. § 12-2101.01; and (5) Appeal From The Certification Or Refusal To Certify A Class Action under A.R.S. § 12-1873(A).