

ARIZONA COURT OF APPEALS, DIVISION ONE

Sanchez v. Shawcroft

Sanchez · No. 1 CA-CV 24-0398; 1 CA-CV 25-0169 (consolidated) · Decided December 18, 2025

SUMMARY

The Arizona Court of Appeals held that Arizona Rule of Civil Procedure 76(d) is neither jurisdictional nor self-executing, and that the superior court retained authority to enter judgment on an arbitration award despite the parties’ failure to seek judgment within the prescribed period. The court reversed the superior court’s orders vacating the judgment and dismissing the action, directed re-entry of judgment for Sanchez, and reversed related attorney-fee awards.

CASE DETAILS

COURT	Arizona Court of Appeals, Division One
WRITING FOR THE COURT	Andrew M. Jacobs; D. Steven Williams; Michael S. Catlett
JURISDICTION	Arizona Court of Appeals, Division One
DECIDED	December 18, 2025
DOCKET	1 CA-CV 24-0398; 1 CA-CV 25-0169 (consolidated)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeals from superior-court orders vacating a judgment entered on a compulsory-arbitration award, dismissing the original action without prejudice under Arizona Rule of Civil Procedure 76(d) and Rule 41(b), dismissing a refiled action, and awarding sanctions and attorney fees.
STANDARD OF REVIEW	The decision to vacate the judgment under Rule 59 is reviewed for abuse of discretion; errors of law constitute an abuse of discretion. Interpretation of Rules 76(d) and 41(b) is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Sabrina L. Sanchez and her four children v. Tyson Shawcroft and other defendants

TOPICS

- arbitration
- civil procedure
- statutory interpretation
- appellate procedure
- waiver

PRACTICE AREAS

civil procedure

appellate procedure

arbitration

QUESTIONS PRESENTED

1. Whether Arizona Rule of Civil Procedure 76(d) automatically terminated the action or divested the superior court of jurisdiction and power to enter judgment after the deadline to seek judgment elapsed.
2. Whether the superior court erred by vacating the judgment entered on the compulsory-arbitration award.
3. Whether the superior court's dismissal under Rules 76(d) and 41(b) could operate as a dismissal with prejudice or otherwise justify vacating Sanchez's judgment for failure to prosecute.
4. Whether the related awards of attorney fees and sanctions should stand after reversal of the dismissal and vacatur orders.

HOLDINGS

1. Rule 76(d) is not jurisdictional or self-executing. It did not automatically terminate the action or divest the superior court of jurisdiction and power to enter judgment when the parties failed to seek judgment within the prescribed period.
2. When no party appeals an arbitration award or timely requests judgment, Rule 76(d) requires dismissal without prejudice, which does not adjudicate the merits or preclude refiling.
3. The superior court erred as a matter of law by vacating the judgment and dismissing the action on a failure-to-prosecute theory.
4. The awards of attorney fees in favor of Shawcroft and against Sanchez were reversed because they were consequences of the superior court's reversed dismissal and vacatur decisions.

KEY QUOTATIONS

“Rule 76(d) isn’t jurisdictional or self- executing, and did not operate automatically to terminate Sanchez’s suit, as Shawcroft would have it.” (¶ 3)

“This rule change means parties may refile their dismissed cases.” (¶ 25)

“At most, it requires refiling a claim.” (¶ 29)

“To be summarily deprived of the fruits of victory now would appear a penalty so harsh that only extreme provocation would justify it” (¶ 42)

FACTUAL BACKGROUND

In September 2019, Tyson Shawcroft caused an automobile accident that injured Sabrina Sanchez and her four minor children. The claims were subject to compulsory arbitration, and the arbitrator filed a final award for Sanchez totaling \$36,904.50 in October 2021. Neither party appealed the award or timely sought entry of judgment, and although the superior court issued a premature and incorrectly worded Rule 76(d) notice, it did not dismiss the case. Sanchez later sought judgment, Shawcroft invited her to file for judgment and did not object, and the court entered judgment on the award before later vacating it.

PROCEDURAL HISTORY

Sanchez and her children obtained a compulsory-arbitration award against Shawcroft. Neither party timely moved for entry of judgment, and the superior court issued a Rule 76(d) notice but did not dismiss the action. In December 2023, Sanchez moved for entry of judgment, Shawcroft did not object, and the superior court entered judgment in January 2024. The superior court later vacated that judgment and dismissed the action, after which Sanchez refiled and the second action was also dismissed. The Arizona Court of Appeals consolidated Sanchez's appeals and reversed, directing re-entry of the arbitration judgment and reversing related fee awards.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the superior court's decision vacating the January 2024 judgment, direct the superior court to re-enter judgment on the terms of the arbitration award, and reverse all attorney-fee awards in favor of Shawcroft and against Sanchez. Shawcroft's request for attorney fees on appeal is denied; Sanchez may recover appellate costs upon compliance with ARCAP 21.

CASES CITED

- State Farm Fire and Cas. Co. v. Brown, 183 Ariz. 518, 521 (App. 1995)
- State v. Johnson, 247 Ariz. 166, 194 ¶ 93 (2019)
- State v. Tyau, 250 Ariz. 659, 662 ¶ 5 (App. 2021)
- Spring v. Bradford, 243 Ariz. 167, 170 ¶ 11 (2017)
- Clayton by and through Sherman v. Kenworthy in and for Cnty. of Yuma, 250 Ariz. 65, 67-68 ¶ 8 (App. 2020)
- Jackson White, PC, v. Dos Land Holdings, LLC, No. CV2012-091011, 2016 WL 966812, at *4 ¶ 16 (App. 2016)
- Sw. Barricades, LLC v. Traffic Mgmt., Inc., 240 Ariz. 139, 142 ¶ 17 n.3 (App. 2016)
- Adams v. Bear, 87 Ariz. 172, 175-76 (1960)
- Airfreight Express Ltd. v. Evergreen Air Ctr., Inc., 215 Ariz. 103, 108 ¶ 13 (App. 2007)
- Phillips v. Garcia, 237 Ariz. 407, 412 ¶ 16 (App. 2015)
- Campbell v. Deddens, 93 Ariz. 247, 250 (1963)
- State v. Jackson, 184 Ariz. 296, 300 (App. 1995)
- Shinn v. Arizona Bd. of Exec. Clemency, 254 Ariz. 255, 263 ¶ 33 (2022)
- Laurence v. Salt River Project Agric. Improvement & Power Dist., 255 Ariz. 95, 102 ¶ 24 (2023)
- Passmore v. McCarver, 242 Ariz. 288, 292 ¶ 9 (App. 2017)
- Valley Nat'l Bank of Ariz. v. Meneghin, 130 Ariz. 119, 122 (1981)
- Cnty. of La Paz v. Yakima Compost Co., Inc., 224 Ariz. 590, 598 ¶ 11 (App. 2010)
- Walker v. Kendig, 107 Ariz. 510, 513 (1971)

- Flynn v. Campbell, 243 Ariz. 76, 80-81 ¶¶ 9-10 (2017)
- Allstate Ins. Co. v. O'Toole, 182 Ariz. 284, 287 (1995)
- Carnegie National Bank v. City of Wolf Point, 110 F.2d 569, 572-73 (9th Cir. 1940)

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