

STATE OF MINNESOTA

IN SUPREME COURT

ADM-09-8006

OFFICE OF  
APPELLATE COURTS

JUN 11 2009

FILED

AMENDMENTS TO THE RULES OF CIVIL  
APPELLATE PROCEDURE INCREASING  
FILING FEES

**ORDER**

IT IS HEREBY ORDERED that in accordance with Minn. Stat. § 357.08, as amended by the 2009 Legislature, the attached amendments to the following Rules of Civil Appellate Procedure be, and the same are, promulgated to reflect increases in the filing fees:

Rule 103.01, subd. 1(4); Rule 105.01; Rule 114.01(b); Rule 115.03, subd. 3;  
Rule 116.03, subd. 3; Rule 117, subd. 1; Rule 120.04; and Rule 121.03.

These amendments shall be effective on July 1, 2009, and apply to all filings in the appellate courts on or after that date.

Dated: June 11, 2009

BY THE COURT:



Eric J. Magnuson  
Chief Justice

### **Rule 103.01 Manner of Making Appeal**

**Subdivision 1. Notice of Appeal and Filings.** An appeal shall be made by filing a notice of appeal with the clerk of the appellate courts and serving the notice on the adverse party or parties within the appeal period. The notice shall contain:

\* \* \* \*

The appellant shall simultaneously file the following with the clerk of the appellate courts:

- (1) two copies of the notice of appeal,
- (2) a certified copy of the judgment or order from which the appeal is taken,
- (3) two copies of the statement of the case required by Rule 133.03, and
- (4) a filing fee of \$~~500~~550.

### **Rule 105.01 Petition for Permission to Appeal; Time**

Upon the petition of a party, in the interests of justice the Court of Appeals may allow an appeal from an order not otherwise appealable pursuant to Rule 103.03 except an order made during trial, and the Supreme Court may allow an appeal from an order of the Tax Court or the Workers' Compensation Court of Appeals not otherwise appealable pursuant to Rule 116 or governing statute except an order made during trial. The petition shall be served on the adverse party and filed within 30 days of the filing of the order. The trial court should be notified that the petition has been filed and provided with a copy of the petition and any response. Four copies of the petition shall be filed with the clerk of the appellate courts, but the court may direct that additional copies be provided. A filing fee of \$~~500~~550 paid to the clerk of the appellate courts shall accompany the petition for permission to appeal.

### **Rule 114.01 How Obtained**

Review by the Court of Appeals of the validity of administrative rules pursuant to Minnesota Statutes, section 14.44 may be obtained by:

- (a) filing a petition for declaratory judgment with the clerk of the appellate courts;
- (b) paying the filing fee of \$~~500.00~~550 to the clerk of the appellate courts, unless no fee is required pursuant to Rule 103.01, subdivision 3[.]

**Rule 115.03 Contents of the Petition and Writ; Filing and Service**

**Subd. 3. Filing; Fees.** The clerk of the appellate courts shall file the original petition and issue the original writ. The petitioner shall pay \$~~500~~550 to the clerk of the appellate courts, unless no fee is required under Rule 103.01, subdivision 3, or by statute.

**Rule 116.03 Contents of the Petition and Writ; Filing and Service**

**Subd. 3. Filing; Fees.** The clerk of the appellate courts shall file the original petition and issue the original writ. The petitioner shall pay \$~~500~~550 to the clerk of the appellate courts, unless a different filing fee is required by statute.

**Rule 117 Petition in Supreme Court for Review of Decisions of the Court of Appeals**

**Subdivision 1. Filing of Petition.** Any party seeking review of a decision of the Court of Appeals shall separately petition the Supreme Court. The petition with proof of service shall be filed with the clerk of the appellate courts within 30 days of the filing of the Court of Appeals' decision. A filing fee of \$~~500~~550 shall be paid to the clerk of the appellate courts.

**Rule 120.04 Filing; Form of Papers; Number of Copies**

Upon receipt of a ~~500~~550 filing fee, the clerk of the appellate courts shall file the petition. All papers and briefs may be typewritten and in the form specified in Rule 132.02. Four copies with proof of service shall be filed with the clerk of the appellate courts, but the reviewing court may direct that additional copies be provided. Service of all papers and briefs may be made by mail.

**Rule 121.03 Filing Fee**

In the event the oral petition is granted, the attorney orally petitioning for a writ shall thereafter immediately transmit to the clerk of the appellate courts a \$~~500~~550 filing fee \* \* \*.