

STATE OF MINNESOTA

IN SUPREME COURT

ORDER AMENDING AND CORRECTING THE RULES OF CIVIL
APPELLATE PROCEDURE IN THE SUPREME COURT

IT IS ORDERED that the Rules of Civil Appellate Procedure in the Supreme Court, adopted by order of this Court dated December 7, 1967 to be effective February 1, 1968, are hereby amended and corrected as follows:

1. Amend the text of Rule 131.01 to read

as follows:

"The appellant shall serve and file his brief and appendix within 60 days after delivery of the transcript by the reporter. If the transcript is obtained prior to appeal, or if the record on appeal does not include a transcript, then the appellant shall serve and file his brief and appendix within 60 days after service of the notice of appeal upon the adverse party. The respondent shall serve and file his brief and appendix, if any, within 30 days after service of the brief of appellant. The appellant may serve and file a reply brief within 15 days after service of respondent's brief. If a party prepares a supplemental record, the supplemental record shall be served and filed with his first brief."

2. Correct the text of Rule 108.01(3) to read

as follows:

"(3) If the appeal is from a judgment directing the payment of money, the condition of the bond shall be the payment of the judgment or that part of the judgment which is affirmed and all damages awarded against the appellant upon the appeal, if the judgment or any part thereof is affirmed, or if the appeal is dismissed."

3. Correct Rule 120.03(b) to read, in part,

as follows:

" . . . or (b) grant temporary relief and order that an answer be served and filed by the respondent within the time fixed by the order . . ."

Dated October 29, 1968

BY THE COURT:



Chief Justice

MEMORANDUM

TO: All Justices

DATE: October 29, 1968

RE: Corrective Order
Rules of Civil Appellate Procedure

The Chief Justice has asked me to circulate the attached copy of a proposed order amending and correcting the Rules of Civil Appellate Procedure for your review and approval.

1. The change to Rule 131.01 is required to take care of an oversight. When a transcript is ordered the 60 days runs from the date of delivery of the transcript. However, the rule was silent in those cases where there would be no necessity to order a transcript, e.g. in Workmen's Compensation matters where the transcript is prepared prior to review before the Commission, or where an appeal is taken from the granting of summary judgment. The language of the amendment has been approved by Messrs. Adamson and Hetland and by Miss Sherman.

2. The correction in Rule 108.01 (3) is to change a typographical error in the original order, and changes "of" to "or", as indicated.

3. The correction in Rule 120.02(b) corrects the original order by changing "with" to "within". This change has already been made in West's publication of the Rule.

Please initial if you approve.

W. P. W.

ORK

K

MAN

MAN.

WPM

WPM

JCO

JCO

WFR

WFR

RJS

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CDP

CDP

FTG

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