

STATE OF MINNESOTA **SUPREME COURT**

IN SUPREME COURT

No. 47193

FILED

DEC 17 1981

JOHN McCARTHY,
CLERK

ORDER AMENDING
RULES OF CIVIL
APPELLATE PROCEDURE

IT IS HEREBY ORDERED that effective immediately, Rules 133.01(1), 139.04, and 140 of the Rules of Civil Appellate Procedure are amended to read as follows:

Rule 133.01. Summary Action

(1) The Supreme Court, on its own motion or on motion of any party, may summarily affirm, may summarily reverse with directions, may remand or dismiss an appeal or other request for relief upon grounds proper for remand or dismissal, or may limit the issues to be considered on appeal. Summary dispositions have no precedential value and shall not be cited.

Rule 139.04. Objections; Appeal

Written objections to the taxation of costs and disbursements may be served and filed on or before the time set for the taxation thereof. A party may appeal to the Supreme Court from the clerk's taxation by serving and filing a notice of appeal within 6 days from the date of taxation by the clerk. Failure to serve and file written objections on or before the time set for the taxation of costs and disbursements shall constitute a waiver of objections and shall preclude the right to appeal.

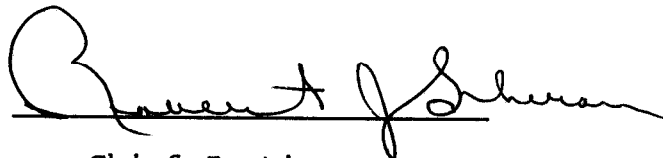
Rule 140. Petition For Rehearing.

A petition for rehearing may be filed within 10 days after the filing of the decision or order unless the time is enlarged by order of the Supreme Court within the 10-day period. The petition shall set forth with particularity any controlling statute, decision, or principle of law, any material fact, or any material question in the case which, in the opinion of the petitioner, the Supreme Court has overlooked, failed to consider, misapplied, or misconceived. The petition shall be served upon the opposing party who may answer within 5 days thereafter. Oral argument in support of the petition will not be permitted. Thirteen copies of the petition, produced and sized as required by Rule 132.01, shall be filed with the clerk, except that any duplicated copy, other than a carbon copy, of a typewritten original may also be filed. A filing fee of \$25 shall accompany the petition for rehearing. The filing of a petition for rehearing stays the entry of judgment until disposition of such petition. It does not stay the taxation of costs. If the petition is denied, the party responding to the petition may be awarded attorneys fees to be allowed by the court in the amount not to exceed \$500.

The previous order filed November 25, 1981, is hereby vacated.

DATED: December 17, 1981.

BY THE COURT

A handwritten signature in cursive script, reading "Robert J. Sherman", is written over a horizontal line.

Chief Justice