

STATE OF MINNESOTA
IN SUPREME COURT

ORDER PROMULGATING AMENDMENTS TO THE
RULES OF CIVIL APPELLATE PROCEDURE

Upon action of the court,

IT IS HEREBY ORDERED that the following Rules of Civil Appellate Procedure are amended to reflect increases in the required filing fees for appellate review:

Rules 103.01, subd. 1; 105.01; 106; 115.03, subd. 3; 116.03, subd. 3;
117, subd. 1; 118, subd. 1; 120.04; 121.03; and 140.02.

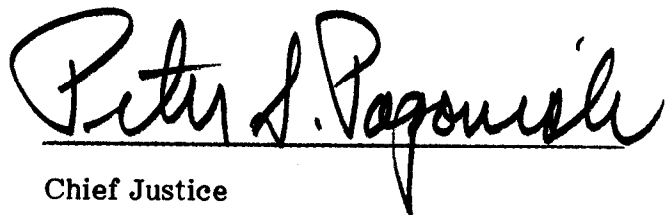
The amended rules attached hereto shall govern all appeals taken on or after July 1, 1989.

IT IS FURTHER ORDERED that these amendments shall have statewide application, without exception, from and after their effective date.

Dated:

6-28-89

BY THE COURT:



Chief Justice

OFFICE OF
APPELLATE COURTS

JUN 28 1989

FILED

Rule 103.01 Manner of Making Appeal

Subdivision 1. Notice of Appeal. An appeal shall be made by filing a notice of appeal with the clerk of the appellate courts. The notice shall contain:

- (a) proof of service on the adverse party or parties;
- (b) proof of service on the clerk of the trial court in which the judgment or order appealed from is entered or filed;
- (c) a statement specifying and describing the judgment or order from which the appeal is taken;
- (d) the names, addresses, and telephone numbers of opposing counsel and the parties they represent.

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

- (1) the notice of appeal,
- (2) a certified copy of the judgment or order from which the appeal is taken,
- (3) a statement of the case required by Rule 133.03, and
- (4) a filing fee of ~~\$50~~, \$150, and shall file the following with the clerk of the trial court:
 - (5) a copy of the notice of appeal,
 - (6) the cost bond required by Rule 107, or written waiver of it, and
 - (7) the supersedeas bond, if any, required by Rule 108. and
- ~~(8)~~ a filing fee of ~~\$10~~.

Rule 105.01 Petition for Permission to Appeal; Time

Upon the petition of a party, the Court of Appeals, in the interest of justice, may allow an appeal from an order not otherwise appealable pursuant to Rule 103.03 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 \$150 paid to the clerk of appellate courts shall accompany the petition for permission to appeal.

Rule 106 Respondent's Right to Obtain Review

A respondent may obtain review of a judgment or order entered in the same action which may adversely affect him by filing a notice of review with the clerk of the appellate courts. The notice of review shall specify the judgment or order to be reviewed, shall be served and filed within 15 days after service of the notice of appeal, and shall contain proof of service. A filing fee of \$75 paid to the clerk of appellate courts shall accompany the notice of review.

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 ~~\$50~~ \$150 to the clerk of the appellate courts and ~~\$10~~ to the clerk of the court or body to whom the writ is directed, unless a different filing fee is required 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 \$50 \$150 to the clerk of the appellate courts and \$10 to the clerk of the court or body to whom the writ is directed, unless a different filing fee is required by statute.

Rule 117 Petition for Review of Decisions of the Court of Appeals

Subdivision 1. Filing of Petition. Any party may petition the Supreme Court for review of a decision of the Court of Appeals. 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 \$50 \$150 shall be paid to the clerk of the appellate courts.

Rule 118 Accelerated Review by the Supreme Court Prior to a Decision by the Court of Appeals

Subdivision 1. Filing Requirements. Any party may petition the Supreme Court for accelerated review of any case pending in the Court of Appeals upon a petition which shows, in addition to the criteria of Rule 117, subdivision 2, that the case is of such imperative public importance as to justify deviation from the normal appellate procedure and to require immediate determination in the Supreme Court. The petition for accelerated review with proof of service shall be filed with the clerk of the appellate courts but no filing fee shall be required; together with a filing fee of \$50. The filing of a petition for accelerated review shall not stay proceedings or extend the time requirements in the Court of Appeals.

Rule 120.04 Filing; Form of Papers; Number of Copies

Upon receipt of a ~~\$50~~ \$150 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. The petition shall be entitled as in the lower court.

Rule 121.03 Filing Fee

The attorney orally petitioning for a writ shall immediately transmit to the clerk of the appellate courts a ~~\$50~~ \$150 filing fee with a letter specifying:

- (a) the name of the case,
- (b) the lower court and the name of the judge, and
- (c) the type of writ sought.

Rule 140.02 Service; Filing

The petition shall be served upon the opposing party who may answer within 5 days after service. Oral argument in support of the petition will not be permitted. Fourteen copies of the petition, produced and sized as required by Rule 132.01, shall be filed with the clerk. A filing fee of ~~\$50~~ \$100 shall accompany the petition for rehearing.