

**RULES OF APPELLATE PROCEDURE  
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: June 28, 1989

BY THE COURT

-s-Peter S. Popovich  
Chief Judge

# Minnesota Rules of Civil Appellate Procedure

Adopted June 17, 1983

Effective August 1, 1983

With amendments received through July 1, 1989

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## TITLE II. APPEALS FROM JUDGMENTS AND ORDERS

**Rule 103. Appeal - How Taken****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 \$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.

(Amended effective July 1, 1989.)

*[For text of subs 2 and 3, see M.S. 1988, Volume 9]*

*[For text of 103.02 to 103.04, see M.S. 1988, Volume 9]*

**Rule 105. Discretionary Review****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.

(Amended effective July 1, 1989.)

*[For text of 105.02 and 105.03, see M.S. 1988, Volume 9]*

**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.

(Amended effective July 1, 1989.)

TITLE III. DECISIONS REVIEWABLE BY CERTIORARI TO THE COURT OF APPEALS OR THE SUPREME COURT

**Rule 115. Court of Appeals Review of Decisions of the Commissioner of Economic Security and Other Decisions Reviewable by Certiorari and Review of Decisions Appealable Pursuant to the Administrative Procedure Act**

*[For text of 105.01 and 105.02, see M.S. 1988, Volume 9]*

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

*[For text of subs 1 and 2, see M.S. 1988, Volume 9]*

**Subd. 3. Filing; Fees.** The clerk of the appellate courts shall file the original petition and issue the original writ. The petitioner shall pay \$150 to the clerk of the appellate courts, unless a different filing fee is required by statute.

(Amended effective July 1, 1989.)

*[For text of subd 4, see M.S. 1988, Volume 9]*

*[For text of 115.04 to 115.06, see M.S. 1988, Volume 9]*

**Rule 116. Supreme Court Review of Decisions of the Workers' Compensation Court of Appeals, Decisions of the Tax Court, and of Other Decisions Reviewable by Certiorari**

*[For text of 116.01 and 116.02, see M.S. 1988, Volume 9]*

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

*[For text of subs 1 and 2, see M.S. 1988, Volume 9]*

**Subd. 3. Filing; Fees.** The clerk of the appellate courts shall file the original petition and issue the original writ. The petitioner shall pay \$150 to the clerk of the appellate courts, unless a different filing fee is required by statute.

(Amended effective July 1, 1989.)

*[For text of subd 4, see M.S. 1988, Volume 9]*

*[For text of 116.04 to 116.06, see M.S. 1988, Volume 9]*

**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 \$150 shall be paid to the clerk of the appellate courts.

(Amended effective July 1, 1989.)

*[For text of subs 2 to 4, see M.S. 1988, Volume 9]*

**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 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.

(Amended effective July 1, 1989.)

*[For text of subs 2 and 3, see M.S. 1988, Volume 9]*

## TITLE V. EXTRAORDINARY WRITS

**Rule 120. Writs of Mandamus and Prohibition Directed to a Judge or Judges and Other Writs**

*[For text of 120.01 to 120.03, see M.S. 1988, Volume 9]*

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

Upon receipt of a \$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.

(Amended effective July 1, 1989.)

**Rule 121. Mandamus and Prohibition - Emergency Situations**

*[For text of 120.01 and 120.02, see M.S. 1988, Volume 9]*

**121.03 Filing Fee**

The attorney orally petitioning for a writ shall immediately transmit to the clerk of the appellate courts a \$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.

(Amended effective July 1, 1989.)

**Rule 140. Petition for Rehearing in Supreme Court**

*[For text of 140.01, see M.S. 1988, Volume 9]*

**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 \$100 shall accompany the petition for rehearing.

(Amended effective July 1, 1989.)

*[For text of 140.03, see M.S. 1988, Volume 9]*