

Minnesota Rules of Civil Appellate Procedure

Adopted June 17, 1983

Effective August 1, 1983

With amendments received through August 1, 1995

TABLE OF HEADNOTES

TITLE II. APPEALS FROM JUDGMENTS AND ORDERS

Rule 106. Respondent's Right to Obtain Review

TITLE VII. GENERAL PROVISIONS

Rule 139. Costs and Disbursements

139.01 Costs

TEXT OF RULES

[For text of Title I., see M.S. 1994, Volume 15]

TITLE II. APPEALS FROM JUDGMENTS AND ORDERS

[For text of 103. to 105.03 and Comment, see M.S. 1994, Volume 15]

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 \$100 shall accompany the notice of review.

(Amended effective July 1, 1989; amended effective for appeals taken on or after January 1, 1992; amended effective September 15, 1994.)

See **Appendix** for form of notice of review (**Form 106**).

[For text of Comment to 111.04, Title III., and Title V., see M.S. 1994, Volume 15]

TITLE VII. GENERAL PROVISIONS

[For text of 125. to 138., see M.S. 1994, Volume 15]

Rule 139. Costs and Disbursements

139.01 Costs

Unless otherwise ordered by the appellate court, the prevailing party shall recover costs as follows:

(1) upon a judgment in his favor on the merits, statutory costs in the amount of \$300, Minnesota Statutes, section 549.02, subdivision 2 (1993);

(2) upon a dismissal, \$10.

(Amended effective September 15, 1994.)

[For text of 139.02 to 147. and Comment, Forms, and Index, see M.S. 1994, Volume 15]

Special Rules of Practice for the Minnesota Court of Appeals

Effective October 25, 1991

TABLE OF HEADNOTES

APPENDIX

Form Petition for Declaratory Judgment

[For text of Introduction to Rule 14, see M.S. 1994, Volume 15]

APPENDIX

FORM

PETITION FOR DECLARATORY JUDGMENT

STATE OF MINNESOTA
IN COURT OF APPEALS

CASE TITLE:

Petitioner,

PETITION FOR DECLARATORY
JUDGMENT

vs.

COURT OF APPEALS NUMBER

Agency or Body.

AGENCY OR BODY NUMBER

TO: The Court of Appeals of the State of Minnesota:

The above-named petitioner hereby petitions the Court of Appeals pursuant to Minnesota Statutes, section 14.44 (1986) for a declaratory judgment determining the validity of a rule adopted by (agency) on (date), upon the grounds that the rule (is unconstitutional/exceeds the statutory authority of the agency/was adopted without compliance with statutory rule-making procedures).

DATED:

NAME, ADDRESS, ZIP CODE AND
TELEPHONE NUMBER OF PETITIONER:
(ATTORNEY REGISTRATION NUMBER
IF REPRESENTED BY COUNSEL)

(The procedure for obtaining a declaratory judgment on the validity of an administrative rule from the Court of Appeals is set forth in Rule ____, Rules of Civil Appellate Procedure. The rule prescribes the manner of obtaining review, the contents of the petition, the filing fees, and service requirements for obtaining review. Two copies of a completed statement of the case must accompany the petition.)