

9800.0900 BRIEFS ON APPEAL.

Subpart 1. **Appellant brief; transcript required.** Appellants and cross appellants must file a written brief within 30 days after the court receives the transcript. The brief may address only issues raised in that party's notice of appeal. Issues raised in the notice of appeal but not addressed in the brief are deemed waived and will not be decided by the court. The brief must not exceed 65 pages in length, without leave of the court. Attachments to a brief are not permitted without leave of the court, except as required under part 9800.0910. The attachment permission request may accompany the filed brief.

Subp. 1a. **Duplicative filings.** A party must not provide the court physical copies of a brief or memorandum when the document is filed electronically through the CAMPUS system as provided in part 9800.0330. The document filed electronically in such an instance is the record document and the physical copy must be disposed of as duplicative.

Subp. 2. **Appellant brief; no transcript required.** Where no transcript of the proceedings is required, appellants and cross appellants must file a written brief within 30 days after the filing of the notice of appeal. The brief may address only issues raised in that party's notice of appeal. Issues raised in the notice of appeal but not addressed in the brief are deemed waived and will not be decided by the court. The brief must not exceed 65 pages in length without leave of the court. No attachments to a brief are permitted without leave of the court, except as required under part 9800.0910. The attachment permission request may accompany the filed brief.

Subp. 3. **Respondent brief.** Any respondent brief must be filed with the court within 30 days after the appellant or cross appellant brief is filed. The respondent brief may address only issues raised in the brief of the appellant or cross appellant. An appellant or cross appellant may combine an appellant or cross appellant brief and a respondent brief but must file the combined brief within the 30-day time limit required by this subpart and subpart 2. The brief must not exceed 65 pages in length, without leave of the court. Attachments to a brief are not permitted without leave of the court, except as required under part 9800.0910. The attachment permission request may accompany the filed brief.

Subp. 4. [Repealed, 13 SR 981]

Subp. 5. **Reply brief.** A reply brief must be filed within ten days after the last respondent brief is filed or the date that brief was otherwise due to be filed. The reply brief may address only issues addressed in the respondent brief. The reply brief must not exceed 40 pages in length, without leave of the court. No attachments to a brief are permitted without leave of the court. The attachment permission request may accompany the filed brief.

Subp. 5a. **Filing and service of briefs.** A brief setting out the party's position must be filed with the court in all cases. A brief filed under this part must be accompanied by an affidavit stating that a copy of the brief has been served upon all other parties on the case, as provided in part 9800.0310.

Subp. 6. **Extension of time for briefs.** An extension of time for the filing of a brief shall be granted only for cause and if requested within the time for the filing of the brief. The failure of any

party to timely file a brief under this part may result in the striking of that party's brief from consideration.

Statutory Authority: *MS s 175A.07; 176.2611; 176.285; 176.361*

History: *10 SR 698; 13 SR 981; 19 SR 1131; 49 SR 1107*

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