

## Supreme Court

In re Amendments to Rules of Appellate :  
Procedure :  
(Rules 12A(4), 16(c), and 16(d) :

### ORDER

**Section 1.** Rule 12A, subdivision 4, of the Rules of Appellate Procedure is hereby amended to read as follows:

(4) *Show Cause Supplemental Statements.* In cases in which show cause orders are issued, counsel for either party may submit a supplemental statement not exceeding ten (10) pages unless otherwise ordered, together with nine (9) copies thereof. The appellant or other moving party may submit this statement within twenty (20) days of the issuance of the show cause order; the responding party may file a counter-statement within ten (10) days thereafter. The single justice may vary the time of filing as well as the length of memorandum by special order. No party may submit a further supplemental statement or post-argument memorandum, or other communication of any kind, without the prior approval or direction of the Court or a justice thereof upon motion in accordance with Rule 28.

**Section 2.** Rule 16, subdivision (c), of the Rules of Appellate Procedure is hereby amended to read as follows:

(c) *Reply Briefs; Supplemental Briefs and Special Orders.* The appellant or other moving party may file a reply brief within twenty (20) days after the filing of a brief by the appellee or other adverse party. Except as otherwise provided in subsections (d) and (e), no party may ~~file~~ submit any further or supplemental brief or post-argument memorandum, or other communication of any kind, without the prior approval or direction of the Court or a justice thereof upon motion in accordance with Rule 28. Nothing in this rule shall prevent the making in any case, of a special order by the Court in regard to the time for filing any briefs.

**Section 3.** Rule 16(d), of the Rules of Appellate Procedure is hereby amended to read as follows:

(d) *Briefs in a Case Involving a Cross-Appeal or Cross-Petition.* Unless otherwise ordered, if a matter is before the Court on cross-appeals or on the cross-granting of certiorari, the party filing the first notice of appeal or petition for writ of certiorari is the appellant or petitioner and shall file the opening brief in accordance with subdivision (a), the party filing the second notice or petition is the appellee or respondent and shall file a responding brief in accordance with subdivision (b) which also addresses the issues raised in the cross-appeal or cross-petition, the appellant or petitioner may file a reply brief in accordance with subdivision (c), and the appellee or respondent who has cross-appealed may file a brief in reply to the appellant's or petitioner's response to the issues presented by the cross-appeal or cross-petition. If notices or cross-petitions are filed on the same day, the plaintiff in the proceeding below is the appellant or petitioner. Except as otherwise provided in subsection (e), no party may ~~file~~ submit any further or supplemental brief or post-argument memorandum, or other communication of any kind, without the prior approval or direction of the Court or a justice thereof upon motion in accordance with Rule 28. Any party wishing to seek a modification of the foregoing briefing requirements shall move for such relief prior to the Rule 12A single justice conference.

Entered as an Order of this Court this      day of *February 2004*.

S/S  
Williams, C. J.

S/S  
Flanders, J.

S/S  
Goldberg, J.

S/S  
Flaherty, J.

S/S  
Suttell, J.