

1 **Rule 10. Motion for summary disposition.**

2 (a) Time for filing; grounds for motion.

3 (a)(1) A party may move at any time to dismiss the appeal or the petition for review on the basis
4 that the appellate court lacks jurisdiction.

5 (a)(2) Within 10 days after the docketing statement or an order granting a petition under Rule 5(e)
6 is served, a party may move:

7 (a)(2)(A) To affirm the order or judgment which is the subject of review on the basis that the
8 grounds for review are so insubstantial as not to merit further proceedings and consideration by the
9 appellate court; or

10 (a)(2)(B) To reverse the order or judgment which is the subject of review on the basis of manifest
11 error.

12 (b) Number of copies; form of motion. For matters pending in the Supreme Court, An original
13 and seven copies of a motion made pursuant to this rule shall be filed with the Clerk of the Supreme
14 Court. For matters pending in the Court of Appeals, An original and four copies shall be filed with
15 the Clerk of the Court of Appeals. The motion shall be in the form prescribed by Rule 23.

16 (c) Filing of response. The party moved against shall have 10 days from the service of such a
17 motion in which to file a response. For matters pending in the Supreme Court, An original response
18 and seven copies shall be filed in the Supreme Court. For matters pending in the Court of Appeals,
19 An original response and four copies shall be filed in the Court of Appeals.

20 (d) Submission of motion; suspension of further proceedings. Upon the filing of a response or
21 the expiration of time therefor, the motion shall be submitted to the court for consideration and an
22 appropriate order. The time for taking other steps in the appellate procedure is suspended pending
23 disposition of a motion to affirm or reverse or dismiss.

24 (e) Ruling of court. The court, upon its own motion, and on such notice as it directs, may dismiss
25 an appeal or petition for review if the court lacks jurisdiction; or may summarily affirm the judgment
26 or order which is the subject of review, if it plainly appears that no substantial question is presented;
27 or may summarily reverse in cases of manifest error.

28 (f) Deferral of ruling. As to any issue raised by a motion for summary disposition, the court may
29 defer its ruling until plenary presentation and consideration of the case.