

1 **Rule 35. Petition for rehearing.**

2 (a) **Petition for rehearing** ~~for rehearing permitted. A rehearing will not be granted in the absence~~
3 ~~of a petition for rehearing.~~

4 **(1) Petition.** A petition for rehearing seeking to alter a decision in a manner that affects the
5 substantive rights of the parties or any mandate or rule of law established by the decision
6 may be filed only in cases in which the court ~~has~~ issueds an opinion, memorandum
7 decision, ~~or~~ per curiam decision, or order resolving the appeal on the merits. ~~No other~~
8 ~~petitions for rehearing will be considered.~~

9 **(b) 2) Time for filing.** A petition for rehearing may be filed with the clerk within 14 days
10 after the court ~~issuance of~~ es ~~the opinion, memorandum decision, or per curiam decision of~~
11 ~~the court~~ an opinion, memorandum decision, per curiam decision, or order resolving the
12 appeal on the merits, unless the time is shortened or enlarged by order.

13 **(c) 3) Contents of petition.** The petition ~~shall~~ must succinctly state and explain ~~with~~
14 ~~particularity~~ the points of law or fact ~~which~~ that the petitioner claims the court has
15 overlooked or misapprehended and ~~shall~~ must contain such argument in support of the
16 petition as the petitioner desires. ~~Counsel for~~ The petitioner must certify that the petition is
17 presented in good faith and not for delay.

18 ~~(d) **Oral argument.** Oral argument in support of the petition will not be permitted.~~

19 **(e) 4) Response.** No response to a petition for rehearing will be received unless requested
20 by the court. Any response ~~shall~~ must be filed within 14 days after the entry of the order
21 requesting the response, unless otherwise ordered by the court. A petition for rehearing will
22 not be granted in whole or in part in the absence of a request for a response.

23 **(f) 5) Form of petition.** The petition ~~shall~~ must be in a ~~the~~ form prescribed by Rule 27 (a),
24 (b), and (d) with respect to contents of the cover and ~~shall~~ must include a copy of the
25 decision to which it is directed.

26 ~~(g) **Number of copies to be filed and served.** An original and 6 copies shall be filed with~~
27 ~~the court. Two copies shall be served on counsel for each party separately represented.~~

28 **(h) 6) Length.** Except by ~~order of the~~ court order, a petition for rehearing and any response
29 requested by the court ~~shall~~ may not exceed 15 pages.

30 ~~(i) **Color of cover.** The cover of a petition for rehearing shall be tan; that of any response~~
31 ~~to a petition for rehearing filed by a party, white; and that of any response filed by~~
32 ~~an amicus curie, green. All brief covers shall be of heavy cover stock. There shall be~~
33 ~~adequate contrast between the printing and the color of the cover.~~

34 ~~(j)~~7 **Action by court if granted.** ~~If a petition for rehearing is granted, t~~The court may ~~make~~
35 ~~a final disposition~~dispose of ~~the cause~~a petition for rehearing without reargument, or may
36 restore ~~it~~the case to the calendar for reargument or resubmission, or may make such other
37 orders as are deemed appropriate under the circumstances of the particular case.

38 ~~(k)~~8 **Untimely or consecutive petitions.** Petitions for rehearing that are not timely
39 presented under this rule and consecutive petitions ~~for rehearing~~ will ~~not~~
40 ~~be received~~rejected by the clerk.

41 ~~(l)~~9 **Amicus curiae.** An amicus curiae may not file a petition for rehearing but may file a
42 response to a petition if the court has requested a response under paragraph ~~(e)~~(4) ~~of this~~
43 ~~rule.~~

44 (b) Nonsubstantive or clerical error.

45 (1) If a decision contains a nonsubstantive or clerical error, a party may promptly advise
46 the appellate clerk by letter, with a copy to all other parties, identifying the error, suggesting
47 how the error may be corrected, and stating the position of other parties regarding the
48 requested correction. Any response must be made promptly and concisely.

49 (2) If the court concludes the letter requests a substantive revision, it may construe the letter
50 as a petition for rehearing if timely filed under paragraph (a)(2) and call for a response.

51 (3) The court may make nonsubstantive corrections without prior notice to the parties.

52 Effective November 1, 2020