

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

2 **(a) Time for filing; grounds for motion.** The court, on motion or its own initiative must dismiss an
3 appeal or petition for review if the court lacks jurisdiction; or may summarily affirm the order or judgment
4 under review if no substantial question is presented; or may summarily reverse on the basis of manifest
5 error.

6 (a)(1) A party may ~~move~~ at any time file a motion to dismiss the appeal or the petition for review
7 on the basis that the appellate court lacks jurisdiction.

8 (a)(2) Within ~~40~~ 14 days after the docketing statement or an order granting a petition under Rule
9 ~~5(e)~~ 5 is ~~served~~ filed, a party may ~~move~~ file a motion:

10 (a)(2)(A) To affirm the order or judgment ~~which is the subject of~~ under review on the basis
11 that the grounds for review are so insubstantial as not to merit further proceedings and
12 consideration by the appellate court there is no substantial question; or

13 (a)(2)(B) To reverse the order or judgment ~~which is the subject of~~ under review on the basis
14 of manifest error.

15 **(b) Number of copies; form of motion.** ~~For matters pending in the Supreme Court, an original and~~
16 ~~seven copies of a motion made pursuant to this rule shall be filed with the Clerk of the Supreme Court.~~
17 ~~For matters pending in the Court of Appeals, an original and four copies shall be filed with the Clerk of the~~
18 ~~Court of Appeals. The motion shall~~ must be in the form prescribed by Rule [23](#).

19 **(c) Filing of response.** ~~The~~ Within 14 days after the motion is filed, the party moved against shall
20 have ~~10 days from the service of such a motion in which to~~ may file a response. For matters pending in
21 the Supreme Court, an original response and seven copies shall be filed in the Supreme Court. For
22 matters pending in the Court of Appeals, an original response and four copies shall be filed in the Court of
23 Appeals.

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

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

32 **(f) e Deferral of ruling.** ~~As to any issue raised by a motion for summary disposition, the~~ The court
33 may defer its ruling until plenary presentation and consideration of the case.

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