

IN THE SUPREME COURT OF ALABAMA
October 13, 2015

ORDER

IT IS ORDERED that Rule 32(b)(4), Rule 5(b), Rule 5(d), and Rule 39(e), Alabama Rules of Appellate Procedure, be amended to read in accordance with Appendices A, B, C, and D, respectively, to this order;

IT IS FURTHER ORDERED that these amendments are effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 32, Rule 5, and Rule 39:

"Note from the reporter of decisions: The order amending Rule 32(b)(4), Rule 5(b), Rule 5(d), and Rule 39(e), Ala. R. App. P., effective October 13, 2015, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Moore, C.J., and Stuart, Bolin, Parker, Murdock, Shaw, Main, Wise, and Bryan, JJ., concur.

I, Julia Jordan Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 13th day of October, 2015

Julia Jordan Weller
Clerk, Supreme Court of Alabama

APPENDIX A

Rule 32(b)(4), Alabama Rules of Appellate Procedure

(4) Petitions for Appeal by Permission Pursuant to Rule 5 and Answers. In addition to the provisions governing form set out in Rule 5, petitions filed pursuant to Rule 5 for appeal by permission and any answers thereto shall be produced in the form prescribed by subdivision (a) and shall not exceed 20 pages as provided in Rule 5(e).

APPENDIX B

Rule 5(b), Alabama Rules of Appellate Procedure

(b) Content of Petition; Answer. The petition shall contain a statement of the facts necessary to an understanding of the controlling question of law determined by the order of the trial court, supported by reference to the materials accompanying the petition; a statement of the question itself, as stated by the trial court in its certification; and a statement of the reasons why a substantial basis exists for a difference of opinion on the question, why an immediate appeal would materially advance the termination of the litigation and why the appeal would avoid protracted and expensive litigation. The petition shall include or have annexed thereto (1) a copy of the order from which appeal is sought and of any findings of fact, conclusions of law, and opinion relating thereto and (2) a copy of the certification required by Rule 5(a). Within 14 days (2 weeks) after service of the petition, an adverse party may file an answer in opposition with the clerk of the Supreme Court, with proof of service on all other parties to the action in the trial court. No reply by the petitioner to the answer is permitted. The petition and answer shall be submitted without oral argument unless otherwise ordered.

APPENDIX C

Rule 5(d), Alabama Rules of Appellate Procedure

(d) Effect on Trial Court Proceedings. A pending petition or appeal hereunder shall not stay proceedings in the trial court unless the trial judge or the Supreme Court shall so order.

APPENDIX D

Rule 39(e), Alabama Rules of Appellate Procedure

(e) Number of Copies of Petition; Filing and Service. The original and nine (9) copies of the petition shall be filed with the clerk of the Supreme Court; one copy shall be filed with the clerk of the appropriate court of appeals; and one copy shall be served on each party to the proceeding in the court of appeals, including those parties not joining in the petition.