

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 24<sup>th</sup> day of March, 2017.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective July 1, 2017.

Amend Rule 5:13(c) to read as follows:

**RULES OF SUPREME COURT OF VIRGINIA  
PART FIVE  
THE SUPREME COURT**

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**Rule 5:13. Record on Appeal: Preparation and Transmission.**

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(c) *Transmission.* — The clerk of the trial court shall retain the record for 21 days after the notice of appeal has been filed with him pursuant to Rule 5:9. If the notice of appeal states that a transcript or statement will thereafter be filed, the clerk of the trial court shall retain the record for 21 days after the filing in his office of such transcript or statement or, if objection is made to the transcript or statement pursuant to Rule 5:11(g), the clerk of the trial court shall retain the record for 5 days after the objection is acted upon by the trial judge. The clerk of the trial court shall then forthwith transmit the record to the clerk of this Court; provided, however, that, notwithstanding that the foregoing periods of retention may not have expired, the clerk of the trial court shall transmit the record sooner if requested in writing by counsel for all parties to the appeal and shall, whether or not so requested, transmit the record in time for delivery to the clerk of this Court within 90 days after entry of the judgment appealed from. The failure of the clerk of the trial court to transmit the record as herein provided shall not be a ground for dismissal of the appeal by this Court.

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Amend Rule 5:17(a)(1) to read as follows:

**Rule 5:17. Petition for Appeal.**

(a) *When the Petition Must be Filed.* — Unless otherwise provided by rule or statute, in every case in which the appellate jurisdiction of this Court is invoked, a petition for appeal must be filed with the clerk of this Court within the following time periods:

(1) in the case of an appeal direct from a trial court, not more than 90 days after entry of the order appealed from; or

(2) in the case of an appeal from the Court of Appeals, within 30 days after entry of the judgment appealed from or a denial of a timely petition for rehearing.

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Amend Rule 5:21(a)(6) to read as follows:

**Rule 5:21. Special Rules Applicable to Certain Appeals of Right.**

(a) *Appeals from the State Corporation Commission.* —

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(6) Petition for Appeal. Only a party who has filed a notice of appeal in compliance with paragraph (a)(3) of this Rule may file a petition for appeal. A party filing a notice of appeal shall file a petition for appeal, accompanied by the prescribed filing fee, in the office of the clerk of this Court within 120 days after entry of the final order, judgment or finding by the Commission and, prior to the filing of the petition shall mail or deliver a copy to every other party to the Commission proceeding. Except as provided herein, the provisions of Rule 5:17 do not apply to a petition filed pursuant to this subparagraph. The petition for appeal shall identify the order appealed from and the date of the order, contain assignments of error, and include the certificate required by Rule 5:17(i). Oral argument on the petition shall not be allowed nor will a brief in opposition be received. If the petition prays for a suspension of the effective date of the order appealed from, it shall contain an assignment of error regarding the effective date of the order appealed from and such statements of the facts and argument as shall be necessary for an understanding of this assignment of error. In that event, a brief in

opposition will be received. The brief in opposition must be filed within 15 days of the filing of the petition for appeal, may be no longer than 10 pages or 1,750 words, and may only address the assignment of error regarding the effective date of the order appealed from. Oral argument on the assignment of error regarding the effective date of the order appealed from may be granted.

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A Copy,

Teste:

*Pat L Haminger*

Clerk