I.A.R. 42. Petition for Reheaaring

Idaho Appellate Rule 42. Petition for Rehearing.

(a) Time for Filing - Filing Fee. Petitions for rehearing must be physically filed with the Clerk of the Supreme Court, together with the filing fee, within 21 days after the filing date of the Court's opinion, and must be served upon all parties to the appeal or proceeding. If the opinion is modified, other than to correct a clerical error,an aggrieved party may physically file another petition for rehearing within 21 days from the date of the modified opinion and serve all adverse parties in the appeal or proceeding. No response to any petition for rehearing shall be made except upon direction of the Court.

(b) Briefs on the Petition. A brief or memorandum in support of the petition must be filed within 14 days of the filing date of the petition and shall be typewritten on letter size paper. If the appeal was expedited pursuant to Rule 12.2, the brief in support of the petition shall be filed with the petition or the petition will be summarily dismissed. An original and six (6) copies of the petition and brief shall be filed with the Clerk of the Supreme Court.

(c) Oral Argument on Petition for Rehearing. There shall be no oral argument upon the petition for rehearing of an appeal or proceeding unless ordered by the Supreme Court.

(d) Notice of Rehearing - Briefs. Copies of an order granting or denying a rehearing shall be served by the Clerk of the Supreme Court upon all parties to the appeal or proceeding. The order may set forth the issues to be reheard, and shall direct the time and order for the filing of briefs. A brief in support of or in opposition to a petition for rehearing need not be bound nor have any colored cover.

(e) Oral Argument on Rehearing. If the Supreme Court grants a petition for rehearing, argument upon rehearing shall be scheduled by the Court in the same manner as argument on the merits of an appeal or petition.

(Adopted March 25, 1977, effective July 1, 1977; amended March 20, 1985, effective July 1, 1985; amended March 28, 1986, effective July 1, 1986; amended January 4, 2010, effective February 1, 2010; amended March 18, 2011, effective July 1, 2011; amended November 20, 2012, effective January 1, 2013.)

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