

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

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IN RE: NEW RULE 48,
RULES OF THE TENNESSEE SUPREME COURT

APPELLATE COURT CLERK
NASHVILLE

ORDER

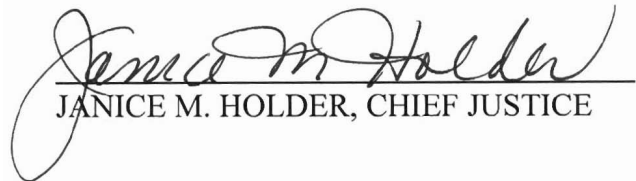
Tenn. Code Ann. § 16-3-201(d) (Supp. 2008) authorizes this Court, in a case meeting the criteria set out in the statute, to assume jurisdiction over an undecided case in which a notice of appeal or an application for interlocutory or extraordinary appeal has been filed in any intermediate state appellate court. The Court may exercise the authority granted by the statute on the motion of a party or on the Court's own motion. The Court hereby adopts the new Tenn. Sup. Ct. R. 48 set out in the attached Appendix to this order, establishing procedures to be followed in such cases.

New Tenn. Sup. Ct. R. 48 shall become effective upon the filing of this order.

The Clerk shall provide a copy of this order, including the attached Appendix, to LexisNexis and to Thomson-West. In addition, this order, including the attached Appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

FOR THE COURT:


JANICE M. HOLDER, CHIEF JUSTICE

APPENDIX

*NEW RULE 48,
RULES OF THE TENNESSEE SUPREME COURT*

Rule 48. Assuming Jurisdiction Over Undecided Cases.

(a) A party to a pending, but undecided, appeal may request the Court to assume jurisdiction over the case meeting the requirements of Tenn. Code Ann. § 16-3-201(d)(1)-(2) by filing a motion that complies with the following requirements:

- (1) The motion shall contain: (i) a statement of the question or questions presented for review, (ii) a statement of the relevant facts, (iii) a statement of the reason or reasons for assuming jurisdiction, including an explanation of the unusual public importance of the case and the need for an expedited decision, and (iv) a statement of the relief sought;
- (2) The motion shall be accompanied by copies of the trial court's order or opinion, portions of the record, or affidavits and other relevant documents necessary for the disposition of the motion;
- (3) Unless the moving party has already filed a bond for costs or is otherwise exempt by statute or rule from the obligation to file a bond in accordance with Tenn. R. App. P. 6, the motion shall be accompanied by a bond for costs with sufficient surety in the amount of \$1,000. If the appellate court clerk determines that this bond, or the bond filed in accordance with Tenn. R. App. P. 6, is insufficient, the Court may require an additional bond in an amount the Court deems sufficient to cover the costs of the appeal;
- (4) The original and six (6) paper copies of the motion and supporting papers shall be filed with the clerk of the appellate court. In addition, the moving party shall provide the clerk with an electronic copy of the motion and all supporting papers in PDF format either by providing the clerk with a CD-ROM containing the motion and supporting papers or by emailing the motion and supporting papers to the clerk at an email address provided by the clerk; and
- (5) The motion shall contain a certificate stating that the motion and supporting papers have been served on all other parties to the appeal in accordance with Tenn. R. App. P. 20.

(b) Unless otherwise ordered, any party who is served with a motion to assume jurisdiction may file the original and six (6) paper copies of a response to the motion within ten (10) days after the filing of the motion. The response may be accompanied by portions of the record, affidavits, or other relevant documents and shall be served on all other parties. Parties filing a response to a

motion to assume jurisdiction shall also provide the clerk with an electronic copy of the response and all supporting papers in PDF format either by providing the clerk with a CD-ROM containing the response and supporting papers or by emailing the response and supporting papers to the clerk at an email address provided by the clerk.

(c) The filing of a motion to assume jurisdiction does not stay the proceedings in the intermediate appellate court unless the Court orders otherwise.

(d) When the Court, either on its own motion in accordance with Tenn. Code Ann. § 16-3-201(d)(3) or on the motion of a party, grants a motion to assume jurisdiction over a pending appeal, the Court shall enter an order including a schedule for the preparation and filing of the record on appeal if the record has not already been filed and a briefing schedule. The Court may, in its discretion, either dispense with or expedite oral argument and may take any other necessary or appropriate actions.