

IN RE: AMENDMENT TO OKLAHOMA SUPREME COURT RULE 1.301, FORM 5 PETITION IN ERROR

2023 OK 94

Decided: 09/25/2023

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Cite as: 2023 OK 94, __ P.3d __

ORDER

Oklahoma Supreme Court Rule 1.301, Form 5 (Petition in Error), 12 O.S., ch. 15, app. 1, is hereby amended as shown on the attached Exhibits A and B. The amended rule shall be effective immediately.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 25th DAY OF SEPTEMBER, 2023.

/S/CHIEF JUSTICE

CONCUR: Kane, C.J., Rowe, V.C.J., Kauger, Edmondson, Gurich and Kuehn, JJ.

DISSENT: Combs and Darby, JJ.

NOT VOTING: Winchester, J.

EXHIBIT A

Rule 1.301, Form No. 5

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

_____)
, _____))
)
Plaintiff/Appell _____))
vs. _____) No. _____))
)
, _____))
)
Defendant/Appell _____))

PETITION IN ERROR

- PETITION IN ERROR
- AMENDED OR SUPPLEMENTAL PETITION
- CROSS PETITION
- COUNTER-PETITION

DATE FIRST PETITION IN ERROR FILED: _____

I. TRIAL COURT HISTORY

COURT/TRIBUNAL: _____

COUNTY: _____

CASE NO.: _____

JUDGE: _____

NATURE OF CASE: _____

(e.g., Divorce, Personal Injury)

NAME OF PARTY OR PARTIES FILING THIS PETITION IN ERROR: _____

THE APPEAL IS BROUGHT FROM: (Check one)

- Judgment, Decree or Final order of District Court.
- Appeal from order granting summary judgment or motion to dismiss where motion filed after October 1, 1993 (Accelerated procedure under Rule 1.36).
- Appeal from Revocation of Driver's License (Rule 1.21(b)).
- Final Order of Other Tribunal.

(Specify Corporation Commission, Insurance Department,

Tax Commission, Court of Tax Review, Banking Board or

Banking Commissioner, etc. _____)

____ Interlocutory Order Appealable by Right.

____ Other _____

II. TIMELINESS OF APPEAL

1. Date judgment, decree or order appealed was filed: _____.

~~2. If decision was taken under advisement, date judgment, decree or order was mailed to parties: _____~~

2. Did the party appealing prepare the judgment, decree or order appealed? ____ Yes ____ No.

3. Date the certificate of service was filed in the trial court: _____.

~~4.3~~ Does the judgment or order on appeal dispose of all claims by and against all parties?
____ Yes ____ No.

If not, did district court direct entry of judgment in accordance with 12 O.S. § 994? ____ Yes ____ No.

When was this done? _____

~~5.4~~ If the judgment or order is not a final disposition, is it appealable because it is an Interlocutory Order Appealable by Right? ____ Yes ____ No. Specific statutory basis for interlocutory order appealable by right: _____.

~~6.5~~ If none of the above applies, what is the specific *statutory* basis for determining the judgment or order is appealable? _____

~~7.6~~ Were any post-trial motions filed?

Type Date Filed Date Disposed

~~8.7~~ This Petition is filed by: ____ Delivery to Clerk, or
____ Mailing to Clerk by U.S. Certified Mail, Return
Receipt Requested, on _____ (date)

III. RELATED OR PRIOR APPEALS

List all prior appeals involving same parties or same trial court proceeding: _____

List all related appeals involving same issues: _____

(Identify by Style, Appeal Number, Status, and Citation, if any. If none, so state.)

IV. SETTLEMENT CONFERENCE

Is appellant willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250? ____ Yes ____ No

V. RECORD ON APPEAL

____ A Transcript will be ordered.

____ No Transcript will be ordered because no record was made and/or no transcript will be necessary for this appeal

____ A Narrative Statement will be filed

____ Record is concurrently filed as required by Rule 1.34 (Driver's License Appeals, etc.) or Rule 1.36 (Summary judgments and motions to dismiss granted).

VI. JUDGMENT, DECREE OR ORDER APPEALED -- EXHIBIT "A"

(Attach as Exhibit "A" to the Petition in Error a certified copy of the judgment, decree or order from which the appeal is taken. If a post-trial motion extending appeal time under Rule 1.22 was filed, a certified copy of the order disposing of the motion must be attached also.)

VII. SUMMARY OF CASE -- EXHIBIT "B"

Attach as Exhibit "B" a brief summary of the case *not to exceed one 8 1/2"x 11" double spaced page.*

VIII. ISSUES TO BE RAISED ON APPEAL -- EXHIBIT "C"

Attach as Exhibit "C" the issues proposed to be raised. Include each point of law alleged as error. Avoid general statements such as "Judgment not supported by law."

IX. NAME OF COUNSEL OR PARTY, IF PRO SE

ATTORNEY FOR APPELLANT

Name:
OBA No.:
Firm:
Designated Case-Specific Email Address: [if applicable]
Secondary Email Address: [if applicable]
Address:
Telephone:

ATTORNEY FOR APPELLEE

Name:
OBA No.:
Firm:
Designated Case-Specific Email Address: [if applicable]
Secondary Email Address: [if applicable]
Address:
Telephone:

DATE: _____ 20__

Verified by (Signature of Attorney or Pro Se Party)

Firm

Designated Case-Specific Email Address [if applicable]

Secondary Email Address [if applicable]

Address

Telephone

X. CERTIFICATE OF MAILING TO ALL PARTIES AND
COURT CLERK

I hereby certify that a true and correct copy of the Petition in Error was mailed this ___ day of _____, 20__ by depositing it in the U.S. Mail, postage prepaid or by electronic mail to _____

(Name and Address and/or Email Address of Each Party or Counsel)

I further certify that a copy of the Petition in Error was mailed to, or filed in, the Office of _____ on the
(District Court Clerk or Other Tribunal)

___ day of _____, 20__.

Certified by (Signature of Attorney or Pro Se Party).

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