

Rule 49. Petition for writ of certiorari.

(a) **Contents.** The petition for a writ of certiorari ~~shall~~must contain, in the order indicated:

~~(a)~~(1) A list of all parties to the proceeding in the court whose judgment is sought to be reviewed, except where the caption of the case in the Supreme Court contains the names of all parties;

~~(a)~~(2) A table of contents with page references;

~~(a)~~(3) A table of authorities with cases alphabetically arranged and with parallel citations, agency rules, court rules, statutes, and authorities cited, with references to the pages of the petition where they are cited;

~~(a)~~(4) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of the questions should be short and concise and should not be argumentative or repetitious. General conclusions, such as "the decision of the Court of Appeals is not supported by the law or facts," are not acceptable. The statement of a question presented will be deemed to comprise every subsidiary question fairly included ~~therein~~in that question. Only the questions ~~set forth~~stated in the petition, or fairly included ~~therein~~in those questions, will be considered by the Supreme Court;

~~(a)~~(5) A reference to the official and unofficial reports of any opinions issued by the Court of Appeals;

~~(a)~~(6) A concise statement of the grounds on which the jurisdiction of the Supreme Court is invoked, showing:

~~(a)(6)~~(A) the date of the entry of the decision sought to be reviewed;

~~(a)(6)~~(B) the date of the entry of any order respecting a rehearing and the date of the entry and terms of any order granting an extension of time within which to petition for certiorari;

(a)(6)(C) reliance upon Rule 48(d)(1)(B), where a cross-petition for a writ of certiorari is filed, stating the filing date of the petition for a writ of certiorari in connection with which the cross-petition is filed; and

(a)(6)(D) the statutory provision believed to confer jurisdiction on the Supreme Court;

~~(a)(7) Controlling provisions of constitutions, statutes, ordinances, and regulations set forth verbatim with the appropriate citation. If the controlling provisions involved are lengthy, their citation alone will suffice and their pertinent text shall be set forth in the appendix referred to in subparagraph (10) of this paragraph.~~

(a)(78) A statement of the case. ~~The statement shall first indicate briefly the nature of the case, the course of the proceedings, and its disposition in the lower courts. There shall follow a statement of the facts relevant to the issues presented for review~~ that includes the facts and the procedural background relevant to the issues presented for review. All statements of fact and references to the proceedings below ~~shall~~ must be supported by citations to the record on appeal or to the opinion of the Court of Appeals;

(a)(89) With respect to each question presented, a direct and concise argument explaining the special and important reasons as provided in Rule 46 for the issuance of the writ; ~~and~~

(a)(910) An appendix containing, in the following order:

(a)(10)(A) copies of all opinions, including concurring and dissenting opinions, and all orders, including any order on rehearing, delivered by the Court of Appeals in rendering the decision sought to be reviewed;

(a)(10)(B) copies of any other opinions, findings of fact, conclusions of law, orders, judgments, or decrees that were rendered in the case or in companion cases by the Court of Appeals and by other courts or by administrative agencies and that are

relevant to the questions presented. Each document ~~shall~~must include the caption showing the name of the issuing court or agency, the title and number of the case, and the date of its entry; and

~~(a)(10)~~(C) any other judicial or administrative opinions or orders that are relevant to the questions presented but were not entered in the case that is the subject of the petition.

~~If the material that is required by subparagraphs (7) and (10) of this paragraph is voluminous, they may be separately presented. The appendix may be separately presented.:~~

(10) A certificate of compliance. The filer must certify that the petition complies with:

(A) paragraph (d), governing the number of pages or words (the filer may rely on the word count of the word processing system used to prepare the petition); and

(B) Rule 21, governing public and private records.

(b) **Form of petition.** The petition for a writ of certiorari ~~shall~~must comply with the form of a brief as specified in Rule 27.

(c) **No separate brief.** All contentions in support of a petition for a writ of certiorari ~~shall~~must be set forth in the body of the petition, ~~as provided in subparagraph (a)(9) of this rule.~~ The petitioner ~~shall~~may not file a separate brief in support of a petition for a writ of certiorari. ~~If the petition is granted, the petitioner will be notified of the date on which the brief in support of the merits of the case is due.~~

(d) **Page or word limitation.** The petition for a writ of certiorari ~~shall~~must be as short as possible, and no more than 4,000 words or ~~but may not exceed 2015~~ pages if a word count is not provided, ~~excluding~~ These limits do not include the subject index, the ~~any~~ table of contents, table of authorities, ~~any verbatim quotations required by subparagraph (a)(7) of this rule, and the~~ appendix, or certificates.

77 (e) **Absence of accuracy, brevity, and clarity.** The failure of a petitioner to present with
78 accuracy, brevity, and clarity whatever is essential to a ready and adequate
79 understanding of the points requiring consideration will be a sufficient reason for
80 denying the petition.

81 (f) **Rejection of petition.** The clerk may reject any petition for a writ of certiorari that does
82 not substantially comply with the content requirements of paragraph (a).