

**Rule 142. Dismissal; Default****142.01 Voluntary Dismissal**

If the parties to an appeal or other proceeding execute and file with the clerk of the appellate courts a stipulation that the proceedings be dismissed, the matter may be dismissed upon the approval of the appellate court.

**142.02 Default of Appellant**

The respondent may serve and file a motion for judgment of affirmance or dismissal if the appellant fails or neglects to serve and file its brief and addendum as required by these rules. If the appellant is in default for 30 days and the respondent has not made a motion under this rule, the appellate court shall order the appeal dismissed without notice, subject to a motion to reinstate the appeal. In support of the motion, the appellant must show good cause for failure to comply with the rules governing the service and filing of briefs, that the appeal is meritorious and that reinstatement would not substantially prejudice the respondent's rights.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2014.)

***Advisory Committee Comment - 2014 Amendments***

*Rule 142.02 is amended to change a reference to the appendix to refer to the addendum. The use of an appendix as it formerly existed is no longer either required or permitted in any appellate proceedings.*

**142.03 Default of Respondent**

If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits. If a defaulting respondent has filed a notice of related appeal pursuant to Rule 103.02, subdivision 2, the party opposing the related appeal may serve and file a motion for affirmance of the judgment or order specified in the notice of related appeal or for a dismissal of the respondent's related appeal proceedings, subject to a motion to reinstate the related appeal proceedings in accordance with the criteria specified in Rule 142.02.

If the appellant fails or neglects to serve and file its brief in response to a respondent/cross appellant's brief in support of a cross-appeal, the case shall be determined on the merits as to those issues raised by the cross-appeal.

(Amended effective for appeals taken on or after January 1, 1992; amended effective January 1, 2010.)