

Rule 309. Dismissal of Appeals by the Trial Court

Before the record on appeal is filed in the reviewing court, the trial court may dismiss the appeal of any party (1) on motion of that party or (2) on stipulation of the parties. The order of dismissal entered by the trial court shall be forwarded by the clerk to the reviewing court within 5 days after the entry of such order.

Amended July 30, 1979, and September 20, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; [amended June 22, 2017, eff. July 1, 2017](#).

Committee Comments (Revised January 5, 1981)

This rule is based upon former Rule 36(1)(e). The provision permitting the trial court to dismiss on motion of the appealing party was new in 1969. The last sentence was added in 1979 in view of the change in the practice in that year calling for immediate docketing of the appeal in the reviewing court upon receipt of the copy of the notice of appeal transmitted by the clerk of the circuit court. (See the committee comments to paragraph (f) of Rule 303.) For the same reasons the first sentence was amended in 1981 to limit the power of the circuit court to dismiss to the period before the record on appeal is filed, rather than the period before the case is docketed, as provided in the original text.