

M.R. 3140

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered March 16, 2007.

(Deleted material is struck through and new material is underscored.)

Effective May 1, 2007, Supreme Court Rule 303(a) is amended and effective immediately Supreme Court Rule 341(a) is amended as follows:

**Amended Rule 303(a)**

**Rule 303. Appeals from Final Judgments of the Circuit Court in Civil Cases**

**(a) Time; Filing; Transmission of Copy.**

(1) ~~Except as provided in paragraph (b) below,~~ The notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or, if a timely posttrial motion directed against the judgment is filed, whether in a jury or a nonjury case, within 30 days after the entry of the order disposing of the last pending postjudgment motion directed against that judgment or order, irrespective of whether the circuit court had entered a series of final orders that were modified pursuant to postjudgment motions. A judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a). A notice of appeal filed after the court announces a decision, but before the entry of the judgment or order, is treated as filed on the date of and after the entry of the judgment or order.

(2) When a timely postjudgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before the entry of the order disposing of the last pending postjudgment motion, or before the final disposition of any separate claim, becomes

effective when the order disposing of said motion or claim is entered. A party intending to challenge an order disposing of any postjudgment motion or separate claim, or a judgment amended upon such motion, must file a notice of appeal, or an amended notice of appeal within 30 days of the entry of said order or amended judgment, but where a postjudgment motion is denied, an appeal from the judgment is deemed to include an appeal from the denial of the postjudgment motion. ~~shall have no effect and shall be withdrawn by the party who filed it, by moving for dismissal pursuant to Rule 309. This is so whether the timely postjudgment motion was filed before or after the date on which the notice of appeal was filed. A new notice of appeal must be filed within the prescribed time measured from the entry of the order disposing of the postjudgment motion, as provided in subparagraph (a) (1) of this rule. No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed under this rule. A party who filed a premature notice of appeal will not be required to pay a filing fee for a future appeal in the same case if, at the time of filing the future appeal, the party presents the receipt for the fee paid for filing the premature notice of appeal and a copy of the circuit court order dismissing the premature appeal.~~

(3) If a timely notice of appeal is filed and served by a party, any other party, within 10 days after service upon him or her, or within 30 days from the entry of the judgment or order being appealed, or within 30 days of the entry of the order disposing of the last pending postjudgment motion, whichever is later, may join in the appeal, appeal separately, or cross-appeal by filing a notice of appeal, indicating which type of appeal is being taken.

(4) Within five days after the filing of a notice of appeal, or an amendment of a notice of appeal filed in the circuit court pursuant to subparagraph (b)(4) of this rule, the clerk of the circuit court shall transmit to the clerk of the court to which the appeal is being taken a copy of the notice of appeal or of the amendment.

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Amended effective January 12, 1967; amended effective January 1, 1970; amended October 21, 1969, effective January 1, 1970; amended effective

July 1, 1971; amended effective September 1, 1974; amended October 1, 1976, effective November 15, 1976; amended July 30, 1979, effective October 15, 1979; amended August 9, 1983, effective October 1, 1983; amended April 27, 1984, effective July 1, 1984; amended December 17, 1993, effective February 1, 1994; corrected March 18, 2005, effective immediately; amended October 14, 2005, effective January 1, 2006; amended July 27, 2006, effective September 1, 2006; amended March 16, 2007, effective May 1, 2007.

### Committee Comments

(March 16, 2007)

Rule 303(a)(2) is intended to address concerns raised in cases such as *John G. Phillips & Assoc. v. Brown*, 197 Ill. 2d 337 (2001). Subparagraph (a)(2) protects the rights of an appellant who has filed a “premature” notice of appeal by making the notice of appeal effective when the order denying a postjudgment motion or resolving a still-pending separate claim is entered. See Fed. R. App. P. 4(a)(4)(B)(i), (a)(4)(B)(ii). The question whether a particular “claim” is a separate claim for purposes of Rule 304(a) is often a difficult one. See *Dewan v. Ford Motor Co.*, 343 Ill. App. 3d 1062 (2003); *In re Marriage of King*, 208 Ill. 2d 332 (2003); *Marsh v. Evangelical Covenant Church of Hinsdale*, 138 Ill. 2d 458 (1990); *Physicians Insurance Exchange v. Jennings*, 316 Ill. App. 3d 443 (2000); *F.H. Prince & Co., Inc. v. Towers Financial Corp.*, 266 Ill. App. 3d 977 (1994); *Servio v. Paul Roberts Auto Sales, Inc.*, 211 Ill. App. 3d 751 (1991). Subparagraph (a)(2) protects the appellant who files a notice of appeal prior to the resolution of a still-pending claim that is determined to be a separate claim under Rule 304(a). Note that under subparagraph (a)(2), there is no need to file a second notice of appeal where the postjudgment order simply denies the appellant’s postjudgment motion. However, where the postjudgment order grants new or different relief than the judgment itself, or resolves a separate claim, a second notice of appeal is necessary to preserve an appeal from such order.

## Amended Rule 341(a)

### Rule 341. Briefs

**(a) Form of Briefs.** Briefs shall be produced in clear, black print on white, opaque, unglazed paper, 8½ by 11 inches, and paginated. Only one side of the paper may be used. The text must be double-spaced, including quotations. Headings may be single-spaced. Margins must be at least 1½ inch on the left side and 1 inch on the other three sides. Briefs shall be safely and securely bound on the left side in a manner that does not obscure the text. Footnotes are discouraged, but if used must be double-spaced.

Documents may be produced by a word-processing system, typewritten, or commercially printed, and reproduced by any process that provides clear copies consistent with the requirements of this rule. Typeface must be 12-point or larger throughout the document, including quoted material and any footnotes. Condensed type is prohibited. Carbon copies are not permitted.

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Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, and May 16, 1984, effective July 1, 1984; amended April 10, 1987, effective August 1, 1987; amended May 21, 1987, effective August 1, 1987; amended June 12, 1987, effective immediately; amended May 18, 1988, effective August 1, 1988; amended January 20, 1993, effective immediately; amended December 17, 1993, effective February 1, 1994; amended May 20, 1997, effective July 1, 1997; amended April 11, 2001, effective immediately; amended October 1, 2001, effective immediately; amended May 24, 2006, effective September 1, 2006; amended March 16, 2007, effective immediately.