

Rule 5. Appeals by Permission Pursuant to D.C. Code § 11-721 (d) (2001).

(a) Application for Permission to Appeal.

(1) To request permission to appeal from a ruling or order in a civil case not otherwise appealable, a party must file an original and three copies of an application for permission to appeal. The application may not exceed 20 pages, excluding any attachments or statements required by this rule, and must be filed with the Clerk of this court with proof of service on all other parties to the action. The application must also conform to the requirements of Rule 27 (d)(1) and (5).

(2) The application must be filed within 10 days after the entry of the order of the Superior Court, as required by D.C. Code § 11-721 (d) (2001).

(3) The Clerk will not accept the application for filing unless the ruling or order sought to be appealed contains the statement of the trial judge referred to in D.C. Code § 11-721 (d) (2001). The trial judge may amend the order at any time to include the prescribed statement, and permission to appeal may be sought within 10 days after entry of the amended order.

(b) Contents of the Application; Response; Oral Argument.

(1) The application must include the following:

(A) the facts necessary to an understanding of the controlling question of law determined by the order of the Superior Court;

(B) the question itself;

(C) the reasons why a substantial basis exists for a difference of opinion on the question and why an immediate appeal may materially advance the termination of the litigation; and

(D) an attached copy of the order from which the appeal is sought and any findings of fact, conclusions of law, and opinion relating thereto.

(2) A party may file a response within 7 days after service of the application. An original and 3 copies of the response must be filed.

(3) The application and response will be submitted without oral argument unless the court orders otherwise.

(c) Stay of Proceedings in the Superior Court. An application, filed in this court, for an appeal under this rule will not stay the proceedings in the Superior Court unless the judge of that court who made the ruling or order, or this court or a judge thereof, so orders.

(d) Grant of Permission. If permission to appeal is granted, the order granting permission will be treated as the notice of appeal, and the time fixed by Rules 10 through 12 will run from the filing date of the order. A separate notice of appeal will not be required; the provisions of Rule 14 will

not apply.