

Rule 6. Appeals by Application Pursuant to D.C. Code § 11-721 (c) (2001) and § 17-301 (2001).

(a) Application for Allowance of Appeal.

(1) An original and four copies of an application for the allowance of an appeal must be filed with the Clerk of this court with proof of service on all other parties to the action. See Form 3 and Form 4.

(2) The application must be filed within 3 days after entry of the judgment or order of a Superior Court Judge, as defined in Rule 4 (a)(6). See D.C. Code § 17-307 (2012 Repl.); Super. Ct. Civ. R. 73 (b). A judgment or order is deemed to be entered within the meaning of this subdivision when it is entered on the docket by the Clerk of the Superior Court. When a judgment or final order is signed or decided out of the presence of the parties and counsel, such judgment or order will not be considered as having been entered, for the purpose of calculating the time for filing an application for the allowance of an appeal, until the fifth day after the Clerk of the Superior Court has made an entry on the docket reflecting the mailing of notice. See Rule 26 (a) (Computing Time). The application is deemed filed, for the purpose of determining whether it is timely, when the application is received by the Clerk of this court, not when it is mailed.

(3) The application must be signed by the individual applicant or counsel. If the applicant is a corporation or other entity, the application must be signed by counsel. An application not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party.

(b) Contents of the Application and Response.

(1) The application must include the following:

(A) a statement of the proceedings and evidence sufficient to present the ruling or rulings sought to be reviewed;

(B) a statement of why the trial court erred or why the appeal presents a question of law which has not been but should be decided by this court.

(2) The application may include a statement of the points and authorities relied upon.

(3) A party may file a response within 3 days of service of the application.

(c) Statement of Proceedings and Evidence. If this court determines that the application and any response are insufficient for it to act upon the application, it may

(1) require the original record and exhibits to be transmitted to this court; and, if necessary,

(2) call for a statement of proceedings and evidence from the trial judge.

(d) Granting the Application.

(1) One judge of a three judge division may grant the application.

(2) If the application is granted, it will be treated as the notice of appeal, and the Clerk must transmit to the Clerk of the Superior Court a notice of the granting of the appeal together with a copy of the application and response thereto. The time fixed by Rules 10 through 12 will run from the date of the order granting the application.

(e) Effect of Denial of Application. Denial of the application is an affirmance of the judgment of the Superior Court.

(f) Petition for Reconsideration.

(1) A petition for reconsideration of the denial of an application may be filed within 7 days of the denial.

(2) The petition will be considered by the three judges to whom the application was submitted, and no petition for en banc consideration may be filed.