

Serial: **212525**

**IN THE SUPREME COURT OF MISSISSIPPI**

**No. 89-R-99027-SCT**

***IN RE: MISSISSIPPI RULES OF  
APPELLATE PROCEDURE***

**ORDER**

Now before the en banc Court is the Motion to Amend Certain Rules to Provide for Word Counts, filed by Andy Lowry.

After due consideration, we find the motion should be denied in part and granted in part by amending Rule 40(b) of the Mississippi Rules of Appellate Procedure.

IT IS THEREFORE ORDERED that the motion is denied in part and granted in part. Rule 40(b) is amended as set forth in the attached Exhibit A. The amendment is effective upon entry of this order.

IT IS FURTHER ORDERED that the Clerk of this Court must spread this order upon the minutes of the Court and forward a certified copy to West Publishing Company for publication in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)*, and in the next edition of the *Mississippi Rules of Court*.

SO ORDERED, this the 12th day of June, 2017.

/s/ Jess H. Dickinson

JESS H. DICKINSON,  
PRESIDING JUSTICE  
FOR THE COURT

TO DENY IN PART AND GRANT IN PART: WALLER, C.J., DICKINSON AND RANDOLPH, P.JJ., KITCHENS, KING, COLEMAN AND BEAM, JJ.

TO GRANT: MAXWELL AND CHAMBERLIN, JJ.

EXHIBIT A

**RULE 40. MOTION FOR REHEARING**

. . . .

**(b) Form of Motion; Length.** The motion shall be in a form prescribed by Rule 32 and in cases decided by the Supreme Court an original and ten (10) copies shall be filed with the clerk of the Supreme Court, and in cases decided by the Court of Appeals an original and eleven (11) copies shall be filed. The Supreme Court or the Court of Appeals may require that additional copies be furnished. The motion shall be served as prescribed by Rule 31 for the service and filing of briefs. Except by permission of the appropriate court a motion for rehearing shall not exceed twenty-five (25) pages. If responses are filed, they shall be filed with like numbers of copies and shall not exceed twenty-five (25) pages.

. . . .