

Serial: **137013**

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

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

ORDER

This matter is before the Court en banc on the Court's own motion to amend the Comment portion of Rule 5 of the Mississippi Rules of Appellate Procedure to specify that a reply to the answer is not permitted. The Court finds that the addition, as set forth below, will promote the fair and effective administration of justice.

IT IS THEREFORE ORDERED that the Comment to Rule 5 of the Mississippi Rules of Appellate Procedure is amended by the addition of two sentences and will read as follows:

Comment

....

Rule 5(b) provides only for the petition and the answer. A reply to the answer is not permitted and will not be considered.

....

[Comment amended effective April 15, 2004; amended effective July 29, 2004; amended effective December 9, 2004; Comment amended effective January 11, 2007.]

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and that a true certified copy be forwarded forthwith to

West Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the 5th day of January, 2007.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING JUSTICE

AGREE: SMITH, C.J., WALLER AND COBB, P.JJ., DIAZ, CARLSON, DICKINSON
AND RANDOLPH, JJ.

DISAGREE: EASLEY, J.

NOT PARTICIPATING: GRAVES, J.