

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 19th day of October, 2010, the following order was made and entered:

On this day came the Court, on its own motion and proceeded to consider the proposed amendments to the Rules of Civil Procedure, necessitated by the adoption of the Revised Rules of Appellate Procedure, previously published for comment. Upon consideration whereof, the Court is of opinion to and does hereby adopt said amendments, effective December 1, 2010, with deletions indicated by strikethroughs and insertions indicated by underscoring, to read as follows:

IX. APPEALS

Rule 72. Running of time for appeal.

The ~~full~~ time for filing a ~~petition for~~ an appeal commences to run and is to be computed from the entry of any of the following orders ~~made upon a timely motion under such rules:~~ Granting or denying a motion for judgment under Rule 50(b); or granting or denying a motion under Rule 52(b) to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion were granted; or granting or denying a motion under Rule 59 to alter or amend the judgment; or granting or denying a motion for a new trial under Rule 59.

Rule 73. The record on ~~petition~~ appeal.

(a) ~~Composition and designation of the record on petition appeal.~~ — At the time of the filing of the petition for appeal, the petitioner shall designate by itemization to the clerk of the circuit court such pleadings, orders and exhibits, in accordance with Rule 4(c) of the Rules of Appellate Procedure, to enable the Supreme Court of Appeals to decide the matters arising in the petition. If the petitioner desires, the petitioner may cause to be prepared, pursuant to paragraph (b) of this rule, a transcript of such part of the proceedings not already on file as the petitioner deems necessary for inclusion in the record, or in lieu of filing all or part of the transcript of testimony, the petitioner may file under Rule 4A of the Rules of Appellate Procedure, in which event the petitioner may rely on the facts stated in the petitioner's petition. The procedure for composing, assembling, and filing the record on appeal shall be governed by the Rules of Appellate Procedure.

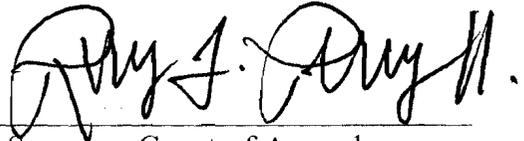
(b) *Procedure for requesting, preparing, and filing of transcript.* — The procedure for requesting, preparing, and filing of transcripts shall be governed by ~~Appendix B~~ to the Rules of Appellate Procedure.

(c) *Notice of appeal.* — Within thirty days of entry of the judgment being appealed, the party appealing shall file a Notice of Appeal in accordance with Rule 5 of the Rules of Appellate Procedure.

Rules 74 through 76. [Reserved.]

A True Copy

Attest:



Clerk, Supreme Court of Appeals