

MEMORANDUM

TO: PARTIES IN CROSS-APPEALS

FROM: OFFICE OF THE CLERK

RE: ORAL ARGUMENT IN CROSS-APPEALS

Oral Argument. Cross-appeals are argued together with the initial appeal. Rule 34(d), Fed. R. App. P.¹ In this Court the appellant/cross-appellee argues first followed by the appellee/cross-appellant. The appellant/cross-appellee may reserve time for rebuttal. The appellee/cross-appellant is normally not allowed to present rebuttal on the cross-appeal nor sur-rebuttal on the initial appeal. The arguments both as to the direct and cross-appeals must be incorporated within that order of argument.

(Rev. 2/99)

¹If there is a cross-appeal, Rule 28(h) determines which party is the appellant and which is the appellee for purposes of oral argument. Unless the court directs otherwise a cross-appeal or separate appeal must be argued when the initial appeal is argued. Separate parties should avoid duplicative argument.