

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

**ORDER ESTABLISHING A TEMPORARY LOCAL RULE FOR ELECTRONIC FILING
OF PETITIONS FOR REHEARING**

Effective March 3, 2003

Present: Edward R. Becker, Chief Judge, Dolores K. Sloviter, Anthony J. Scirica, Richard L. Nygaard, Samuel A. Alito, Jane R. Roth, Theodore A. McKee, Marjorie O. Rendell, Maryanne Trump Barry, Thomas L. Ambro, Julio M. Fuentes, D. Brooks Smith, Circuit Judges

A pilot program for the electronic transmission of petitions for rehearing by the Court has been established pursuant to Rule 25(a)(2)(D), F.R.A.P. It is hereby O R D E R E D that the Court adopts this practice order pending possible consideration of adoption of a permanent rule.

A party may file a petition for rehearing by electronic transmission. The page limitation set forth in Rule 40(b), F.R.A.P. shall be strictly enforced. The judgment, order or opinion as to which rehearing is sought shall be attached as an exhibit to the petition. Petitions which are submitted electronically must be in Adobe.pdf format.

Service of the petition for rehearing submitted electronically may be by e-mail, fax, mail, or hand delivery. A party may serve the opposing party electronically **only** with the prior consent of the opposing party. If electronic service is utilized, the filing party must note in the certificate of service that the opposing party consented to electronic service.

The filing party must include a certificate of service which complies with Rule 25(d), F.R.A.P clearly stating the manner and date of service.

The filing party will complete an Electronic Filing of Petition for Rehearing form which may be obtained at: www.ca3.uscourts.gov under Information and Forms and Petitions for Rehearing. The form shall be included as a separate attachment in the transmission to the Clerk.

The address for filing the petitions for rehearing is: petitions_rehearing@ca3.uscourts.gov

The Re: line or Subject Line for the message shall be the case number for the Court of Appeals.

The filing party will forward one hard copy of the petition for rehearing with an original signature and the Electronic Petition for Rehearing form to the Clerk by overnight mail.

The Clerk will review the petition when received for compliance with the rules. If it is determined that the petition does not comply with the applicable rules, the filing party will be notified electronically of any deficiency and directed to take corrective action. The opposing parties will be notified in the same manner as indicated in the certificate of service. If the deficiency is the absence of a certificate of service, then the parties will be notified by mail.

Petitions for rehearing submitted electronically which are in compliance with the applicable rules will be filed as of the date of receipt by the Clerk's e-mail system.

A party may electronically file the following motions with the petition for rehearing: 1) motion to file petition for rehearing out of time; 2) motion to file petition for rehearing with excess pagination; and 3) motion for leave to attach exhibits to the petition. The above motions must be submitted in Adobe.pdf format as a separate attachment to the transmission. The filing party will include one hard copy of the motion along with the petition for rehearing and the Electronic Petition for Rehearing form which are being sent to the Clerk by overnight mail. All other motions, including motions for extension of time to file a petition for rehearing, must be submitted in the traditional manner.

No questions or other communications shall be included with the electronic transmission of the petition for rehearing. If a party has a question regarding these procedures such questions shall be directed to the Clerk in writing through regular mail or by telephoning the Clerk's office at 215-597-2995.

/s/ Edward R. Becker
Chief Judge

DATE: February 26, 2003

A True Copy:

/s/ Marcia M. Waldron
Clerk of the United States Court
of Appeals for the Third Circuit