

IN THE SUPREME COURT OF IOWA
No. 15-1375

DONNA JEAN HOLMAN

Appellant

vs.

STATE OF IOWA

Appellee

Johnson County No. SMSM067310
Appeal from the ruling of Judge Stephen C. Gerard, II

Motion for clerk to implement Rule 6.1202(1) b

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Comes now Appellant, Donna Holman, to request that the clerk implement 6.1202(1) b, notifying The State that they have failed to file either a brief or a statement waiving a brief by their December 5 deadline, [actually filed November 3 but dated November 5] and that they have 15 more days to respond or they will lose their right to participate in oral arguments.

I make this request at the direction of the Supreme Court clerk whom I reached by phone this morning. She said this action, which the Court Rule says the clerk initiates when the appellee misses their deadline, can't be initiated by my phone call; I would have to file something. So I hope this will suffice.

The relevant court rule is:

6.1202(1) Notice of default. b. For appellee's failure to comply. When an appellee fails to meet the deadline for filing a brief or statement waiving the appellee's brief, the clerk shall serve a notice stating that the appellee will not be allowed to participate in oral argument unless the appellee remedies the default by filing the overdue brief within 15 days of issuance of the notice.

6.1202(2) Penalty assessed to attorney.

When a default notice is sent to a party's attorney for failing to comply with an appellate deadline, the attorney shall be assessed a penalty of \$150 by the clerk for each violation. Such penalties are to be paid by the attorney individually and are not to be charged to the client. If such penalties are not paid within 15 days, the attorney may be ordered to show cause why he or she should not be found in contempt of the supreme court.

Certificate of Service

A copy of this brief was transmitted to the Iowa Attorney General by efileing it with the Iowa Supreme Court, on November 5, 2015.

Donna Holman

Signature

December 9, 2015

Date