

CHAPTER 1207**APPEAL FROM INTERLOCUTORY ORDERS****IN THE SUPREME COURT OF IOWA**

IN THE MATTER OF A CHANGE)	
IN THE IOWA RULES OF)	REPORT OF THE
APPELLATE PROCEDURE)	SUPREME COURT

TO: THE HONORABLE AL STURGEON, CHAIR OF THE SENATE JUDICIARY COMMITTEE OF THE 1993 REGULAR SESSION OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports on this date to the Chair of the Senate Judiciary Committee concerning an amendment to Iowa Rule of Appellate Procedure 2(a) which is attached as Exhibit "A".

Pursuant to Iowa Code section 602.4202(2), this change is to take effect July 1, 1993.*

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin

ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa
May 13, 1993

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee hereby acknowledge delivery to me on the seventh day of June, 1993, the Report of the Supreme Court pertaining to the Iowa Rules of Appellate Procedure.

/s/ Al Sturgeon

Chair of the Senate Judiciary Committee

*See Chapter 1208 herein relating to the effective date of this amendment

EXHIBIT "A"

Rule 2. From interlocutory orders.

a. Any party aggrieved by an interlocutory ruling or decision, including a party ~~one appearing specially~~ whose objections to jurisdiction have been overruled, may apply to the supreme court or any justice thereof to grant an appeal in advance of final judgment. Such appeal may be granted, after service of the application and hearing as provided in rules 22 and 30, rules of appellate procedure, on finding that such ruling or decision involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interest of justice. No such application is necessary where the appeal is, pursuant to rule 1, rules of appellate procedure, from a final adjudication in the trial court under R.C.P. 86.

b. The order granting such appeal may be on terms advancing it for prompt submission. It shall stay further proceedings below and may require bond.