

Rule 5.05

INVOLUNTARY DISMISSAL

- (a) **Involuntary Dismissal.** An appellate court may dismiss an appeal due to a substantial failure to comply with these rules or for any other reason requiring dismissal by law:
 - (1) on motion of a party with at least 14 days' notice to the appellant; or
 - (2) on the court's own by issuing to the appellant a notice to show cause no later than 14 days after the notice why the appeal should not be dismissed.
- (b) **Remand for Fact-Finding.** If dismissal depends on an issue of fact, the appellate court may remand the case to the district court with direction to make findings of fact.
- (c) **Costs and Expenses.** When an appeal is dismissed under this rule, the court on motion and reasonable notice may assess against the appellant the costs and expenses incurred by the appellee before the dismissal date that would have been assessed against the appellant if the case had not been dismissed and the judgment or order had been affirmed.

[**History:** Am. effective July 1, 2010; Restyled rule effective July 1, 2012.]