

Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.

[(a) *General rule.*—Following a remand from the Supreme Court to the Superior Court or the Commonwealth Court, or an Order allowing reargument or reconsideration by any appellate court, unless otherwise directed by the Court having jurisdiction of the case, each party shall, within the time period specified below, either refile the brief previously filed together with a supplemental brief if desired, or prepare and file a substituted brief in accordance with this Rule.

(b) *Cover on brief.*—The brief (whether new or refiled) shall be appropriately titled to reflect the current status of the case (e.g. brief on remand, supplemental brief on remand, brief on reargument, supplemental brief on reargument).

(c) *Order and time for filing.*—On reargument or reconsideration, the party which petitioned for reargument or reconsideration shall file its brief, including any supplemental brief, within 21 days of the order allowing reargument or reconsideration. The respondent shall file its brief within 21 days after service of the petitioner's brief. The petitioner may file a reply brief within 10 days after service of the respondent's brief.

On remand the original appellant or original petitioner shall file its brief, including any supplemental brief, within 21 days of the remand order. The original appellee or respondent shall file its brief within 21 days after service of the appellant's or petitioner's brief. The original appellant or original petitioner may file a reply brief within 10 days after service of the appellee's or respondent's brief.

(d) *Length of briefs.*—A substituted brief shall not exceed the maximum length of a principal brief as set forth in Rule 2135(a)(1). A supplemental brief shall not exceed 9,300 words. A reply brief shall not exceed the maximum length of a reply brief under Rule 2135(a)(3).

(e) *Certificate of compliance.*—A substituted brief that does not exceed 30 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in Rule 2135(a)(1). A supplemental brief that does not exceed 20 pages when produced on a word processor or typewriter shall be deemed to meet the supplemental brief limitation in subdivision (d) of this rule. A reply brief that does not exceed 15 pages shall be deemed to meet the limitation in Rule 2135(a)(3). In all other cases, the attorney or unrepresented filing party shall include a certification that the brief complies with the word count limits. The

certificate may be based on the word count of the word processing system used to prepare the brief.

Official Note: The number of copies of original, substituted and supplemental briefs to be filed on reargument or reconsideration is to be set by the Prothonotary of the appellate court with jurisdiction over the appeal and may be changed from time to time without notice to bar. See 2013 amendments to Rule 2135 (length of briefs) and the Official Note regarding word counts and page limits generally.]

Following remand, or if reargument, reconsideration, or rehearing is granted, the court shall establish a schedule for further proceedings. If the court does not require further briefing, it shall notify the parties. If further briefing is required, the court shall issue a briefing schedule that includes the order in which briefs shall be submitted, the type and length of brief to be submitted, whether a reproduced record is needed, and the number of copies to be filed.