

Rule 5.04

VOLUNTARY DISMISSAL

- (a) **Voluntary Dismissal; When Allowed; Effect.** Before an opinion is filed, an appellant may dismiss an appeal by stipulation or by filing with the clerk of the appellate courts and serving on all parties a notice of dismissal. A dismissal of one party's appeal does not affect any other party's appeal.
- (b) **Assessment of Costs and Expenses.** Unless the parties agree to a dismissal by stipulation, 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 September 6, 2005; Restyled rule effective July 1, 2012.]