

**RULE 9.350 | DISMISSAL OF CAUSES**

**(a) Dismissal of Causes When Settled.** When any cause pending in the court is settled before a decision on the merits, the parties shall immediately notify the court by filing a signed stipulation for dismissal.

**(b) Voluntary Dismissal.** A proceeding of an appellant or a petitioner may be dismissed before a decision on the merits by filing a notice of dismissal with the clerk of the court without affecting the proceedings filed by joinder or cross-appeal.

**(c) Order of Dismissal.** When a party files a stipulation for dismissal or notice of dismissal under subdivision (a) or (b) of this rule, the cause may be dismissed only by court order. The court shall not enter an order of dismissal of an appeal until 15 days after service of the notice of appeal or until 15 days after the time prescribed by rule 9.110(b), whichever is later. In a proceeding commenced under rule 9.120, the court shall not enter an order of dismissal until 15 days after the serving of the notice to invoke discretionary jurisdiction or until 15 days after the time prescribed by rule 9.120(b), whichever is later.

**(d) Clerk's Duty.** When a proceeding is dismissed under this rule, the clerk of the court shall notify the clerk of the lower tribunal.

**(e) Automatic Stay.** The filing of a stipulation for dismissal or notice of dismissal automatically stays that portion of the proceedings for which a dismissal is being sought, pending further order of the court.

**Committee Notes**

**1977 Amendment.** Subdivision (a) retains the substance of former rule 3.13(a). On the filing of a stipulation of dismissal, the clerk of the court will dismiss the case as to the parties signing the stipulation.

Subdivision (b) is intended to allow an appellant to dismiss the appeal but a timely perfected cross-appeal would continue. A voluntary dismissal would not be effective until after the time for joinder in appeal or cross-appeal. This limitation was created so that an opposing party desiring to have adverse rulings reviewed by a cross-appeal cannot be trapped by a voluntary dismissal by the appellant after the appeal time has run, but before an appellee has filed the notice of joinder or cross-appeal.

Subdivision (c) retains the substance of former rule 3.13(c).



**2014 Amendment.** The addition of subdivision (d) clarifies that the filing of a stipulation or notice of dismissal does not itself dismiss the cause, while now providing for an automatic stay once a stipulation or notice is filed. The amendment is intended to limit any further litigation regarding matters that are settled or may be voluntarily dismissed, until the court determines whether to recognize the dismissal.

