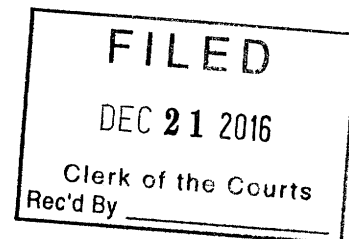


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE AMENDMENTS TO THE TENNESSEE
RULES OF CIVIL PROCEDURE

No. ADM2016-01777



ORDER


The Court adopts the attached amendments effective July 1, 2017, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

RULE 5A FACSIMILE FILING OF PAPERS; and
RULE 60 RELIEF FROM JUDGMENTS OR
 ORDERS.

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



JEFFREY S. BIVINS
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF CIVIL PROCEDURE***

**[Deleted text is indicated by overstriking,
and new text is indicated by underlining.]**

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 5A

FACSIMILE FILING OF PAPERS

[Amend subdivision 5A.02(5) and the appended Uniform Facsimile Filing Cover Sheet as indicated below; the other subdivisions of the rule are unchanged:]

* * * *

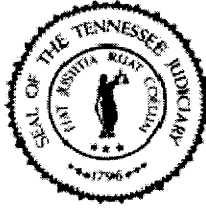
5A.02. Filing Procedures. — (1) * * * *

(5) No facsimile filing shall exceed ~~ten (10)~~ fifty (50) pages in length, including the cover sheet, unless authorized by the court; absent such authorization, a facsimile transmission exceeding ~~ten (10)~~ fifty (50) pages, including the cover sheet, shall not be filed by the clerk. A facsimile filing may not be split into multiple facsimile transmissions to avoid this page limitation. All documents filed by facsimile transmission shall comply with all applicable rules of court, including, without limitation, rules governing the content and form of pleadings and other papers; the signing of pleadings, motions and other papers; and the service of all papers.

(6) * * * *

Advisory Commission Comment [2017]

Rule 5A.02(5) is amended to increase the page limit for facsimile filings from ten (10) to fifty (50).



TENNESSEE COURTS
UNIFORM FACSIMILE FILING COVER SHEET

TO (COURT CLERK): _____

WITH (COURT): _____

CLERK'S FAX NUMBER: _____

CASE NAME: _____

DOCKET NUMBER: _____

TITLE OF DOCUMENT: _____

FROM (SENDER): _____

SENDER'S ADDRESS: _____

SENDER'S VOICE TELEPHONE NUMBER: _____

SENDER'S FAX TELEPHONE NUMBER: _____

DATE: _____ TOTAL PAGES, INCLUDING COVER PAGE: _____

FILING INSTRUCTIONS/COMMENTS (attach additional sheet if necessary):

Unless authorized by the Court, a facsimile transmission exceeding ~~ten (10)~~ fifty (50) pages, including the cover page, shall not be filed by the clerk.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 60

RELIEF FROM JUDGMENTS OR ORDERS

[Add the new Advisory Commission Comment for Rule 60.02, as set out below; the text of the rule is unchanged:]

* * * *

Advisory Commission Comment [2017]

60.02. Rule 60.02 provides that a motion filed pursuant to the Rule “shall be made within a reasonable time, and for reasons (1) and (2) not more than one year after the judgment, order or proceeding was entered or taken.” The Supreme Court, however, has held that “the reasonable time filing requirement of Rule 60.02 does not apply to petitions seeking relief from void judgments under Rule 60.02(3).” *Turner v. Turner*, 473 S.W.3d 257, 260 (Tenn. 2015). But the Court went on to also hold in *Turner* that relief from a void judgment should nevertheless be denied “if the following exceptional circumstances exist: ‘(1) [t]he party seeking relief, after having had actual notice of the judgment, manifested an intention to treat the judgment as valid; and (2) [g]ranted the relief would impair another person’s substantial interest of reliance on the judgment.’ Restatement (Second) of Judgments § 66 (1982).” *Id.*