

any fees then due, the Clerk, without further reference to the Court, will enter an order of dismissal.

2. (a) A petitioner or appellant may file a motion to dismiss the case, with proof of service as required by Rule 29, tendering to the Clerk any fees due and costs payable. No more than 15 days after service thereof, an adverse party may file an objection, limited to the amount of damages and costs in this Court alleged to be payable or to showing that the moving party does not represent all petitioners or appellants. The Clerk will not file any objection not so limited.

(b) When the objection asserts that the moving party does not represent all the petitioners or appellants, the party moving for dismissal may file a reply within 10 days, after which time the matter will be submitted to the Court for its determination.

(c) If no objection is filed—or if upon objection going only to the amount of damages and costs in this Court, the party moving for dismissal tenders the additional damages and costs in full within 10 days of the demand therefor—the Clerk, without further reference to the Court, will enter an order of dismissal. If, after objection as to the amount of damages and costs in this Court, the moving party does not respond by a tender within 10 days, the Clerk will report the matter to the Court for its determination.

3. No mandate or other process will issue on a dismissal under this Rule without an order of the Court.

#### PART IX. DEFINITIONS AND EFFECTIVE DATE

##### **Rule 47. Reference to “State Court” and “State Law”**

The term “state court,” when used in these Rules, includes the District of Columbia Court of Appeals and the Supreme Court of the Commonwealth of Puerto Rico. See 28 U.S.C. §§1257 and 1258. References in these Rules to the common law and statutes of a State include the common law and statutes of the District of Columbia and of the Commonwealth of Puerto Rico.

##### **Rule 48. Effective Date of Rules**

1. These Rules, adopted January 27, 2003, will be effective May 1, 2003.

2. The Rules govern all proceedings after their effective date except to the extent that, in the opinion of the Court, their application to a pending matter would not be feasible or would work an injustice, in which event the former procedure applies.

# RULES OF THE UNITED STATES COURT OF FEDERAL CLAIMS

(Revised March 19, 2002, effective May 1, 2002, as amended to January 19, 2004)

## General Order No. 41

IT IS ORDERED this date that the attached rules [set out below] are adopted as the Rules of the United States Court of Federal Claims effective May 1, 2002. IT IS FURTHER ORDERED that General Orders 1 through 39 are revoked effective May 1, 2002.

March 19, 2002

By the Court  
LAWRENCE M. BASKIR  
Chief Judge

## Change of Name

References to United States Claims Court deemed to refer to United States Court of Federal Claims and references to Claims Court deemed to refer to Court of Federal Claims, see section 902(b) of Pub. L. 102-572, set out as a note under section 171 of this title.

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