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**Order Adopting Amendment to the Rule 34
of the Rules of Appellate Procedure**

Rule 34(d) is hereby amended to read as follows:

(d) ~~If a court of the appellate division deems a sanction appropriate under this rule, the court shall order the person subject to sanction to show cause in writing or in oral argument or both why a sanction should not be imposed.~~ If a court of the appellate division remands the case to the trial division for a hearing to determine a sanction under (c) of this rule, the person subject to sanction shall be entitled to be heard on that determination in the trial division.

Adopted by the Court in Conference this 8th day of April 1999. This amendment shall be promulgated by publication in the Advance Sheets of the Supreme Court and the Court of Appeals. This amendment shall also be published as quickly as practical on the North Carolina Judicial Branch of Government Internet Home Page (<http://www.aoc.state.nc.us>).

Wainwright, J.
For the Court