Rule 5525. Preparation and settlement of transcript; statement in lieu of transcript. (a) Preparation of transcript. Where a stenographic record of the proceedings is made, the appellant, within the time for taking the appeal, shall serve upon the stenographic reporter a request for a transcript of the proceedings and, unless the appellant is the state or any political subdivision of the state or an officer or agency of the state or of any political subdivision of the state, shall deposit a sum sufficient to pay the fee. As soon as possible after receiving such notice the reporter shall serve upon the appellant the ribbon copy and a carbon copy of the typewritten transcript, or two copies of the transcript if it is reproduced by any other means. The appellate division in each department may by rule applicable in the department to all appeals taken from judgments or orders entered in the department, provide that only a ribbon copy of the typewritten transcript be prepared and provide for the use of such copy by the parties and the court.

(b) Omission of part of transcript. The parties may stipulate that only a portion of the record be transcribed. No transcript is necessary where a party appeals from a judgment entered upon a referee's report, or a decision of the court upon a trial without a jury, and he relies only upon exceptions to rulings on questions of law made after the case is finally submitted.

(c) Settlement of transcript. 1. Within fifteen days after receiving the transcript from the court reporter or from any other source, the appellant shall make any proposed amendments and serve them and a copy of the transcript upon the respondent. Within fifteen days after such service the respondent shall make any proposed amendments or objections to the proposed amendments of the appellant and serve them upon the appellant. At any time thereafter and on at least four days' notice to the adverse party, the transcript and the proposed amendments and objections thereto shall be submitted for settlement to the judge or referee before whom the proceedings were had if the parties cannot agree on the amendments to the transcript. The original of the transcript shall be corrected by the appellant in accordance with the agreement of the parties or the direction of the court and its correctness shall be certified to thereon by the parties or the judge or referee before whom the proceedings were had. When he serves his brief upon the respondent

the appellant shall also serve a conformed copy of the transcript or deposit it in the office of the clerk of the court of original instance who shall make it available to respondent.

2. If the appellant has timely proposed amendments and served them with a copy of the transcript on respondent, and no amendments or objections are proposed by the respondent within the time limited by paragraph 1, the transcript, certified as correct by the court reporter, together with appellant's proposed amendments, shall be deemed correct without the necessity of a stipulation by the parties certifying to its correctness or the settlement of the transcript by the judge or referee. The appellant shall affix to such transcript an affirmation, certifying to his compliance with the time limitation, the service of the notice provided by paragraph 3 and the respondent's failure to propose amendments or objections within the time prescribed.

3. Appellant shall serve on respondent together with a copy of the transcript and the proposed amendments, a notice of settlement containing a specific reference to subdivision (c) of this rule, and stating that if respondent fails to propose amendments or objections within the time limited by paragraph 1, the provisions of paragraph 2 shall apply.

(d) Statement in lieu of stenographic transcript. Where no stenographic record of the proceedings is made, the appellant, within ten days after taking his appeal, shall prepare and serve upon the respondent a statement of the proceedings from the best available sources, including his recollection, for use instead of a transcript. The respondent may serve upon the appellant objections or proposed amendments to the statement within ten days after such service. The statement, with objections or proposed amendments, shall be submitted for settlement to the judge or referee before whom the proceedings were had.

(e) Special rules prescribing time limitations in settlement of transcript or statement in lieu thereof authorized. The appellate division in each department may by rule applicable in the department prescribe other limitations of time different from those prescribed in subdivisions (c) and (d) for serving transcripts, or statements in lieu

of transcripts, and proposed amendments or objections, and for submission thereof for settlement.