



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 24-146*

For business meeting on September 20, 2024

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**Title**

Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2025

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 8.100; revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817

**Date of Report**

August 23, 2024

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**Recommended by**

Appellate Advisory Committee  
Hon. Louis Mauro, Chair

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### Executive Summary

The Appellate Advisory Committee recommends amending California Rules of Court, rule 8.100 to require appellants to file the *Civil Case Information Statement* (APP-004) within 15 days after the reviewing court assigns the appeal a case number and revising form APP-004 to allow the appellant to provide a nonstatutory reason why the appeal is eligible for calendar preference. The committee also recommends revising the forms used by parties to request extensions of time to file briefs to make slight substantive and formatting improvements.

### Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2025:

1. Amend California Rules of Court, rule 8.100 to require the appellant to file *Civil Case Information Statement* (form APP-004) within 15 days after the reviewing court assigns the appeal a case number;

2. Revise *Civil Case Information Statement* (form APP-004) to reflect the change to rule 8.100 and to allow the appellant to provide a nonstatutory reason why the appeal is eligible for calendar preference; and
3. Revise the following forms to make slight substantive and formatting improvements:
  - *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO)
  - *Application for Extension of Time to File Brief—Unlimited Civil Case* (form APP-006)
  - *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106)
  - *Application for Extension of Time to File Brief—Criminal Case* (form CR-126)
  - *Application for Extension of Time to File Brief—Juvenile Justice Case* (form JV-816)
  - *Application for Extension of Time to File Brief—Juvenile Dependency Case* (form JV-817)

The proposed amended rule and revised forms are attached at pages 9–39.

### **Relevant Previous Council Action**

The predecessor to California Rules of Court,<sup>1</sup> rule 8.100(g), governing the filing of the Civil Case Information Statement, was adopted by the Judicial Council effective January 1, 2003. Effective January 1, 2014, rule 8.100(g) was amended to remove a requirement that the Court of Appeal clerk mail the appellant a notice of the requirement to file *Civil Case Information Statement* (form APP-004) along with a copy of form APP-004. This requirement was replaced with the current requirement that the appellant file form APP-004 within 15 days after the superior court mails the required notification of the filing of the notice of appeal.

The Judicial Council adopted *Civil Case Information Statement* (originally as form APP-001) for mandatory use in October 2002. It was renumbered to form APP-004 effective January 1, 2004.

*Application for Extension of Time to File Brief* forms were approved for optional use at various times. Form APP-006, for unlimited civil cases, was approved effective January 1, 2004. Form APP-106, for limited civil cases, was approved effective January 1, 2010. And the remaining forms—form CR-126, for felony criminal cases; form JV-816, for juvenile delinquency cases; and form JV-817, for juvenile dependency cases—were approved effective January 1, 2025. Each of these forms has been previously revised, but the prior revisions are not relevant to this proposal.

### **Analysis/Rationale**

#### **Civil Case Information Statement rule and form revisions**

Rule 8.100(g)(1) currently requires an appellant, within 15 days after the superior court sends notification that a notice of appeal has been filed, to serve and file in the reviewing court a

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<sup>1</sup> All further rule references are to the California Rules of Court.

completed *Civil Case Information Statement* (form APP-004). This proposal recommends amending the due date in rule 8.100(g)(1) and revising form APP-004.

### ***Deadline for filing Civil Case Information Statement***

The committee received feedback that appellants are, in practice, often unable to comply with rule 8.100(g)(1)'s current deadline because the reviewing court has not docketed and assigned the appeal a case number within 15 days after the notice of appeal has been filed. When this happens, there is no case in which the appellant can file *Civil Case Information Statement* (form APP-004).

To prevent this situation, this proposal recommends amending rule 8.100(g)(1) to require the appellant to serve and file a completed form APP-004 within "15 days after the reviewing court assigns the appeal a case number." Tying the deadline to the date the reviewing court assigns a case number will ensure that there is a case in the reviewing court where the appellant can file form APP-004, thus preventing confusion among appellants.

This proposal recommends revising *Information on Appeal Procedures for Unlimited Civil Appeals* (form APP-001-INFO) and form APP-004 to reflect rule 8.100(g)(1)'s new deadline. This proposal would also revise form APP-001-INFO to advise appellants that they can use the Appellate Courts Case Information website to check whether their appeal has been assigned a case number.

### ***Civil Case Information Statement item regarding calendar preference or priority***

Last December, the Appellate Caseflow Workgroup<sup>2</sup> made a number of recommendations on ways to improve the efficiency of the appellate process. Among recommendations referred to the Appellate Advisory Committee by the workgroup via the Executive and Planning Committee was for the advisory committee to propose revisions to form APP-004 to "allow litigants or counsel to identify an alternative, non-statutory ground for an appeal to be given priority."<sup>3</sup>

For civil cases in the Court of Appeal, rule 8.240 governs calendar preference and requires a party seeking preference to promptly serve and file a motion for preference in the reviewing court. "Calendar preference" can mean an expedited appeal schedule, including expedited briefing and preference in setting the date of oral argument. The advisory committee comment to this rule advises that the rule covers motions for preference based on statute,<sup>4</sup> as well as

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<sup>2</sup> The Appellate Caseflow Workgroup was appointed by former Chief Justice Tani G. Cantil-Sakauye in June 2022 and made its report to her in December 2022.

<sup>3</sup> Appellate Caseflow Workgroup, *Report to the Chief Justice* (Dec. 6, 2022), p. 20, [https://newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report\\_Final.pdf](https://newsroom.courts.ca.gov/sites/default/files/newsroom/2022-12/Appellate%20Caseflow%20Workgroup%20Report_Final.pdf).

<sup>4</sup> E.g., Code Civ. Proc., § 44 (probate proceedings, contested elections, libel by public official) or § 45 (judgments freeing minors from parental custody).

situations where the court should exercise its discretion to grant preference on a nonstatutory ground.<sup>5</sup>

Currently, item 2 of part II of form APP-004 reads: “This appeal is entitled to calendar preference/priority on appeal (*cite authority*).” The use of the word “entitled” and the direction to “cite authority” could be construed as narrowing the item only to cases where a statute expressly grants a type of case calendar preference or priority. To avoid such a narrow reading, this proposal would revise this item on the form to read, “This appeal is eligible for calendar preference/priority on appeal (*cite authority or explain*).”

A commenter expressed the view that litigants may erroneously conclude that filling out this item would satisfy rule 8.240’s requirement that a party seeking calendar preference or priority promptly serve and file a motion to this effect. To prevent such an error, the committee recommends adding the following advisement to the item: “*A party seeking calendar preference or priority on a nonstatutory or discretionary ground must promptly serve and file in the Court of Appeal a motion for preference. (See Cal. Rules of Court, rule 8.240.)*”

The committee believes that these revisions will help flag for the Courts of Appeal at an early stage that a case may be eligible for case preference or priority. They may also ensure that litigants are aware of the need to promptly file a motion if they believe their case should be given calendar preference or priority. In these ways, the committee believes the revisions will aid appellate efficiency.

### **Revisions to extension-of-time forms**

This proposal recommends revising the various forms for requesting an extension of time to file a brief to make the following improvements:

- On forms APP-006, CR-126, JV-816, and JV-817, revising:
  - Item 1a to allow the user to describe the “supplemental or other brief” for which an extension is being sought (the committee believes this option will allow the reviewing court to easily identify the brief for which an extension is requested);
  - Item 1c to require the user to indicate how many total days are being sought for the extension (the committee believes this option will allow the reviewing court to quickly determine the length of the requested extension);
  - The language in item 3 to ask, “Did the court use the words ‘no further’ in a prior order or directive granting an extension?” (the committee believes this revised language improves the clarity of this item);
  - The items (5 or 6) to provide more space for a party seeking an extension to state the length of the record and the date the record was filed; and

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<sup>5</sup> See, e.g., *Warren v. Schechter* (1997) 57 Cal.App.4th 1189, 1199–1200 (finding court had discretion to grant appellate calendar preference where one of the parties was elderly and ailing).

- The items (9 or 10) to increase the size of the text box where a party states the reason why an extension is needed.
- Revising item 8 on form APP-106 to provide a check box where the party seeking the extension can indicate that additional space is needed and that their reasons are provided on a separate attachment.
- Revising item 10 on form CR-126 and item 9 on form JV-816 so that the parentheticals direct the party seeking the extension to “possible prejudice to the parties,” not just to the defendant or juvenile, respectively.

### **Policy implications**

The recommended rule amendment and form revisions will help avoid litigant confusion and avoid unnecessary, time-consuming defaults before the Court of Appeal. These revisions are therefore consistent with the *Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

### **Comments**

This proposal circulated for public comment from March 29 to May 3, 2024, as part of the regular spring comment cycle. Seven responsive comments were received: one from Division 1 of the Court of Appeal, Fourth Appellate District; one from the Superior Court of Los Angeles County; three from legal organizations; and two from practicing attorneys. The commenters who addressed these aspects of the proposal were supportive of the proposed changes to the *Civil Case Information Statement* form and rule. Commenters, however, were split on the circulated proposal’s suggestion that the council’s extension-of-time forms be made mandatory. A chart with the full text of the comments received and the committee’s responses is attached at pages 40–76. The principal comments and responses are summarized below.

#### ***Mandatory Judicial Council extension-of-time forms***

As circulated, this proposal contained a suggestion that the Judicial Council’s extension-of-time forms (forms APP-006, APP-106, CR-126, JV-816, and JV-817) be made mandatory. The purpose behind this suggestion was to help ensure that all extension-of-time requests contain the information the reviewing court needs to determine whether the requested extension is supported by good cause. Requiring use of the council’s forms would also ensure that this information is provided in a consistent, easy-to-read format.

Conflicting comments were received on this part of the circulated proposal. On the one hand, the Family Violence Appellate Project supported the suggested change. On the other hand, the California Lawyers Association Committee on Appellate Courts (CAC), the California Appellate Defense Counsel (CADC), and a practicing attorney submitted comments opposing the change.

CAC recognized that although the council’s extension-of-time forms might help focus the applicant on the relevant factors, making the forms mandatory could “trap” unwary litigants who

are unaware of the requirement to use the form. It stated that this could cause valid extension-of-time applications to be rejected simply because of the form of the document, resulting in appeals going into default. CADC noted that its members frequently encounter technical issues with the council's extension-of-time forms. It also noted that limitations with the programs used to fill out PDF forms require time-consuming workarounds to finalize and file the extension-of-time form.

In light of the above comments, the committee has decided not to recommend that the council's extension-of-time forms be made mandatory at this time. The committee concluded that leaving these forms optional will help ensure that all parties are able to efficiently access the courts to request an extension of time to file a brief without encountering technology-based problems or inconveniences.

At the same time, the committee is committed to constantly improving the usability of the appellate forms. The commenters made a number of suggestions on how to improve the extension-of-time forms, most of which the committee is, as discussed above, recommending be adopted. In addition, staff have reviewed the concerns raised by the commenters regarding the usability of the existing forms and have fixed certain formatting errors identified by the commenters.

#### ***Adoption of a new extension-of-time form for use in misdemeanor appeals***

As circulated, the proposal included a suggestion that the Judicial Council adopt a new extension-of-time form that would be used in misdemeanor appeals before the appellate division. Although no commenters opposed this change, the committee has removed this proposed form from this proposal to allow it to potentially be considered at a future date as part of a larger proposal.

The Superior Court of Los Angeles County commented that if the proposal was going to make the Judicial Council's extension-of-time forms mandatory, rule 8.927 may need to be amended to require appellants in infraction appeals to use the mandatory form. Although the committee is not recommending that the council's extension-of-time forms be made mandatory, the superior court's comment highlights a gap in the coverage of these forms—namely, that there is no extension-of-time form that can be used in infraction appeals.

The committee believes this gap can likely be filled by taking the misdemeanor extension-of-time form that was included in this proposal as circulated and expanding it to be used in infraction appeals as well. The committee notes that the overlap in the procedures in misdemeanor and infraction appeals is significant and that both proceed before the appellate division.

However, expanding the proposed misdemeanor extension-of-time form to include infraction appeals is outside the scope of this proposal because the public has not been given the opportunity to comment on such a change. The committee has therefore removed the proposed misdemeanor extension-of-time form from the proposal. Doing so will allow the committee to

consider in a future proposal whether a single misdemeanor/infraction form is appropriate or whether separate forms are necessary.<sup>6</sup>

### **Civil Case Information Statement *deadline and forms***

The commenters were supportive of the proposed amendment to rule 8.100(g) and the revision to form APP-004. In light of the comments received, two substantive changes were made to the proposal.

First, as circulated, the proposal suggested that rule 8.100(g)(1) be amended to make *Civil Case Information Statement* due within “15 days after the reviewing court lodges the notice of appeal and assigns the appeal a case number.” CAC commented that it appeared unnecessary to have the deadline be tied to both “lodgment” and assignment of a case number because a case number will be assigned only after the notice of appeal is lodged. The committee agrees and has revised the proposal to recommend that *Civil Case Information Statement* be due within “15 days after the reviewing court assigns the appeal a case number.”

Second, the Court of Appeal, Fourth Appellate District, Division One expressed concern that the proposed revision to item 2 in Part II of *Civil Case Information Statement* that allows the litigant to identify a nonstatutory ground for calendar preference or priority could cause confusion. It noted that a litigant may erroneously conclude that listing this information is sufficient to request calendar preference or priority without having to comply with rule 8.240’s notice requirement. As discussed above, the committee has revised the proposed item to advise the party of the need to file a motion.

CAC also suggested that the proposal be revised to require appellate clerks to notify the parties when an appeal is docketed, and to tie the deadline for filing *Civil Case Information Statement* to the service of this notice. The committee has declined to recommend this change at this time. The recommended change is outside the scope of the proposal as circulated. Additionally, the committee has been informed that the majority of the Courts of Appeal send out some form of notice to the parties when their appeal is docketed.<sup>7</sup>

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<sup>6</sup> The committee believes such a proposal would allow the committee to also explore whether additional extension-of-time forms are needed for other classes of cases. For instance, as noted in the invitation to comment, additional extension-of-time forms may be useful in the civil commitment/conservatorship contexts in light of the First Appellate District of the Court of Appeal’s recent opinion in *Public Guardian of Contra Costa v. K.Y.* (2024) 100 Cal.App.5th 985.

<sup>7</sup> The committee notes that this may signal a shift in practice. As discussed above, rule 8.100(g)(1) used to require appellate court clerks to “promptly mail the appellant a copy of the *Civil Case Information Statement* (form APP-004) and a notice that the statement must be filed within 10 days.” The council replaced this requirement with the current rule effective January 1, 2014, to eliminate what it deemed “atypical copying, mailing, and staff costs on the Court of Appeal.” If experience with this proposal’s amendment to rule 8.100(g)(1) suggests that requiring appellate clerks to send docketing notices to the parties would be beneficial, the committee may revisit this question in the future.

### **Alternatives considered**

The committee considered the alternative of taking no action but concluded that amending rule 8.100(g)(1) was appropriate because the current rule has proven unworkable in practice. The committee further concluded that revising form APP-004 would help improve appellate efficiency by helping ensure that cases are given calendar preference or priority where appropriate. Finally, the committee believes that the proposed changes to the extension-of-time forms will improve the usability of the forms.

The committee considered recommending that the Judicial Council's extension-of-time forms be made mandatory. For the reasons discussed above, the committee decided against this course of action.

### **Fiscal and Operational Impacts**

Other than providing training for court staff to advise them of the rule change, the committee anticipates no fiscal or operational impacts.

### **Attachments and Links**

1. Cal. Rules of Court, rule 8.100, at page 9
2. Forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817, at pages 10–39
3. Chart of comments, at pages 40–76



Rule 8.100 of the California Rules of Court is amended, effective January 1, 2025, to read:

1 **Rule 8.100. Filing the appeal**

2

3 **(a)–(f)** \* \* \*

4

5 **(g) Civil case information statement**

6

7 (1) Within 15 days after the reviewing court ~~superior court clerk sends the~~  
8 ~~notification of the filing of the notice of appeal required by (e)(1)~~ assigns the  
9 appeal a case number, the appellant must serve and file in the reviewing court  
10 a completed *Civil Case Information Statement* (form APP-004), attaching a  
11 copy of the judgment or appealed order that shows the date it was entered.

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13 (2) \* \* \*

## GENERAL INFORMATION

### 1 What does this information sheet cover?

This information sheet tells you about appeals in unlimited civil cases. These are civil cases in which the amount of money claimed is more than \$35,000, as well as other types of cases, such as those filed in family court, probate court, and juvenile court.

If you are the party who is appealing (asking for the trial court's decision to be reviewed), you are called the APPELLANT, and you should read "Information for the Appellant," starting on page 3. If you received notice that another party in your case is appealing, you are called the RESPONDENT and you should read "Information for the Respondent," starting on page 13.

This information sheet does not cover everything you may need to know about appeals in unlimited civil cases. It gives you a general idea of the appeal process. To learn more:

- Read rules [8.100–8.278](#) of the California Rules of Court, which set out the procedures for unlimited civil appeals. You can get these rules at any courthouse or county law library or online at [www.courts.ca.gov/rules](http://www.courts.ca.gov/rules).
- Read the local rules and find out about self-help resources for the district in which you filed your appeal at [www.courts.ca.gov/courtsofappeal.htm](http://www.courts.ca.gov/courtsofappeal.htm).
- Visit the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/](http://selfhelp.courts.ca.gov/).
- Review the counties included in each appellate district at [www.courts.ca.gov/documents/appdistmap.pdf](http://www.courts.ca.gov/documents/appdistmap.pdf).

### 2 What is an appeal?

An appeal is a request to a higher court to review a decision made by a judge or jury in the superior court. In an unlimited civil case, the court hearing the appeal is the Court of Appeal for the district in which the superior court is located. The lower court—called the "trial court" in this information sheet—is the superior court.

It is important to understand that **an appeal is NOT a new trial**. The Court of Appeal will not consider new evidence, such as the testimony of new witnesses or new exhibits.

The appellate court's job is to review a record of what happened in the trial court and the trial court's decision to see if certain kinds of legal errors were made.

For information about appeal procedures in other kinds of cases, see:

- *Information on Appeal Procedures for Limited Civil Cases* (form [APP-101-INFO](#))
- *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#))
- *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#))

You can get these forms at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

### 3 Who can appeal?

Only a party in the trial court case can appeal a decision in that case. You may not appeal on behalf of a friend, a spouse, a child, or another relative unless you are a legally appointed representative of that person (such as the person's guardian or conservator).

### 4 Can I appeal any decision the trial court made?

No. Generally, you can only appeal the final judgment—the decision at the end that decides the whole case. Other rulings made by the trial court before the final judgment generally cannot be separately appealed but can be reviewed only later as part of an appeal of the final judgment. There are a few exceptions to this general rule. [Code of Civil Procedure section 904.1](#) lists a few types of orders in an unlimited civil case that can be appealed right away. These include orders that:

- Grant a motion to quash service of summons or grant a motion to stay or dismiss the action on the ground of inconvenient forum.
- Grant a new trial or deny a motion for judgment notwithstanding the verdict.
- Discharge or refuse to discharge an attachment or grant a right to attach.
- Grant or dissolve an injunction or refuse to grant or dissolve an injunction. Note: Injunctions include restraining orders.
- Appoint a receiver.
- Are made after final judgment in the case.



- Are made appealable by the Family Code or the Probate Code.

You should consult with a lawyer or a court self-help center to determine if your order is final and appealable. Go to [www.courts.ca.gov/selfhelp-selfhelpcenters.htm](http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm) to find information about the self-help center in your county.

(You can view Code of Civil Procedure section 904.1 using the link below:

[leginfo.legislature.ca.gov/faces/codes.xhtml](http://leginfo.legislature.ca.gov/faces/codes.xhtml).)

### 5 What does the appellant need to prove to win on appeal?

The appellant must prove that an error in the trial court proceedings was made and that the error affected the outcome of the court’s or jury’s decision. An error that affected the outcome of the case is called a “prejudicial error.”

An error can include things like errors made by the judge about the law, errors or misconduct by the lawyers or by the jury, incorrect instructions given to the jury, or insufficient evidence to support the judgment, order, or other decision being appealed. Note: This is not a complete list of all possible errors.

When the appellant argues that the error was based on insufficient evidence to support the judgment or other decision being appealed, the Court of Appeal will determine whether there was “substantial evidence” to support the judgment, order, or other decision being appealed. But in conducting its review, the Court of Appeal only looks to see if there was evidence that reasonably supports the decision.

The Court of Appeal generally will not reconsider the jury’s or the trial court’s conclusions about which side had more or stronger evidence or whether witnesses were believable. It only determines whether the evidence is sufficient to support the judgment, order, or other decision.

The Court of Appeal will generally not overturn the judgment, order, or other decision being appealed unless the record shows a prejudicial error was made. The winning party does not have to prove that the judgment, order, or other decision was correct. Instead, it is up to the appellant to prove that the error was made and that the error affected the outcome of the case.

### 6 Do I need a lawyer to represent me in an appeal?

You do not *have* to have a lawyer; if you are an individual (rather than a corporation, for example), you are allowed to represent yourself in an appeal in an unlimited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow. If you have any questions about the appeal procedures, you should talk to a lawyer.

If you decide not to use a lawyer, you must put your address, telephone number, fax number (if available), and email address (if available) on the first page of every document you file with the court.

However, if you need to keep your contact information private (for instance, in an appeal involving a domestic violence restraining order), you may give a different mailing address instead. But if you use a different address, be sure to check it regularly to stay informed about your case and about your obligations regarding your case.

You must keep the Court of Appeal, the trial court (if the trial court proceedings continue or are expected to continue), and the other parties in your case informed of any change in your contact information for service of notices and other documents relating to the appeal.

For your trial court case, you may complete *Notice of Change of Address or Other Contact Information* (form [MC-040](#)), file it in the trial court, and have it served on the parties in the case.

For your case in the Court of Appeal, you may refer to form MC-040 as an example of the information that you need to include in a notice regarding the change in your contact information. That notice must be filed in the Court of Appeal and served on the parties in the appellate case.

### 7 Where can I find a lawyer to help me with my appeal?

You have to hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help](http://selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help).



**INFORMATION FOR THE APPELLANT**

This part of the information sheet is written for the appellant—the party who is appealing the trial court’s decision. It explains some of the rules and procedures relating to appealing a decision in an unlimited civil case. The information may also be helpful to the respondent. Additional information for respondents can be found starting on page 13 of this information sheet.

**8 How do I start my appeal?**

First, you must serve and file a notice of appeal. The notice of appeal tells the other party or parties in the case and the trial court that you are appealing the trial court’s decision. You may use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form [APP-002](#)) to prepare a notice of appeal in an unlimited civil case. You can get form APP-002 at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**9 How do I “serve and file” the notice of appeal?**

“Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (“serve”) the notice of appeal to the other party or parties in the way required by law. If the notice of appeal is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the notice of appeal has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) can be used to make this record. The proof of service must show who served the notice of appeal, who was served with the notice of appeal, how the notice of appeal was served (by mail, in person, or electronically), and the date the notice of appeal was served.
- Bring or send (by mail or electronically) the original notice of appeal and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice of appeal you are planning to file for your own records before you file it with the court.

Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the notice of appeal to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form [APP-009-INFO](#)) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).

**10 Is there a deadline to serve and file my notice of appeal?**

Yes. Generally, in an unlimited civil case, the notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court within **60 days** after the trial court clerk or a party serves either (1) a document called a “Notice of Entry” of the trial court judgment or appealable order or (2) a file-stamped copy of the judgment or appealable order.

If the clerk or a party served neither of these documents, the notice of appeal must be filed within 180 days after entry of judgment or appealable order (generally, the date the judgment or appealable order is file-stamped).

**This deadline for filing the notice of appeal cannot be extended. If your notice of appeal is late, the Court of Appeal will not be able to consider your appeal.**

If a notice of appeal has been filed in a case, any other party to the case may file its own appeal from the same judgment or order. This is called a “cross-appeal.”

To cross-appeal, a party must file a notice of appeal within either the regular time for filing a notice of appeal or within 20 days after the clerk of the superior court mails notice of the first appeal, whichever is later. A party that wishes to cross-appeal may use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form APP-002) to file this notice in an unlimited civil case.

**11 Do I have to pay a fee to file a notice of appeal?**

Yes. Unless the court waives this fee, you must pay a fee for filing your notice of appeal. You can ask the clerk of the court where you are filing the notice of appeal what the fee is or look up the fee for an appeal in an unlimited civil case in the current Statewide Civil Fee Schedule at [www.courts.ca.gov/7646.htm](http://www.courts.ca.gov/7646.htm) (see the “Appeal and Writ Related Fees” section near the end of the schedule).



If you cannot afford to pay the fee, you can ask the court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You can file this application either before you file your notice of appeal or with your notice of appeal. The court will review this application to determine if you are eligible for a fee waiver.

## 12 If I file a notice of appeal, do I still have to do what the trial court ordered me to do?

Filing a notice of appeal does NOT automatically postpone most judgments or orders, such as those requiring you to pay another party money, deliver property to another party, or comply with child custody or visitation orders (see Code of Civil Procedure sections 917.1–917.9 and 1176; you can get a copy of these laws at [www.leginfo.legislature.ca.gov/faces/codes.xhtml](http://www.leginfo.legislature.ca.gov/faces/codes.xhtml)). These kinds of judgments or orders will be postponed, or “stayed,” only if you request a stay and the court grants your request or some other procedure authorizes a stay (such as filing a bond in appropriate cases).

In most cases, if the trial court denies your request for a stay, you can apply to the Court of Appeal for a stay. If you do not get a stay and you do not do what the trial court ordered you to do, court proceedings to collect the money or otherwise enforce the judgment or order may be started against you.

## 13 What do I need to do after I file my notice of appeal?

Within 15 days after the Court of Appeal assigns the appeal a case number, the appellant must serve and file in the Court of Appeal a completed *Civil Case Information Statement* (form [APP-004](#)), attaching a copy of the judgment or appealed order that shows the date it was entered. See rules [8.100](#) and [8.104](#) of the California Rules of Court. You may check to see if the Court of Appeal has assigned your appeal a case number by going to the Appellate Courts Case Information website, located at [appellatecases.courtinfo.ca.gov/index.cfm](http://appellatecases.courtinfo.ca.gov/index.cfm).

In addition, since the Court of Appeal justices were not there to see what happened in the trial court, an official record of what happened must be prepared and sent to the Court of Appeal for its review.

Within 10 days of filing the notice of appeal, the appellant must tell the trial court in writing (designate) what documents and oral proceedings, if any, to include in the record that will be sent to the Court of Appeal. You will need to designate all parts of the record that the Court of Appeal will need to decide the issues you raised in the appeal.

You can use *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* (form [APP-003](#)) to designate the record in an unlimited civil case. You can get form APP-003 at any courthouse or county law library or online at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm).

You must serve and file this notice designating the record on appeal within 10 days after you file your notice of appeal. “Serving and filing” this notice means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the notice to the other party or parties in the way required by law. If the notice is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the notice has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the notice, who was served with the notice, how the notice was served (by mail, in person, or electronically), and the date the notice was served.
- Bring or send (by mail or electronically) the original notice and the proof of service to the trial court that issued the judgment, order, or other decision you are appealing. You should make a copy of the notice you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the notice to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.



You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).

## 14 What is the official record of the trial court proceedings?

There are three parts of the official record:

- A record of the documents filed in the trial court (other than exhibits);
- A record of what was said in the trial court (this is called the “oral proceedings”); and
- Exhibits that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court.

Read below for more information about these parts of the record.

### a. Record of the documents filed in the trial court

The first part of the official record of the trial court proceedings is a record of the documents that were filed in the trial court. There are three ways in which a record of the documents filed in the trial court can be prepared for the Court of Appeal:

- A *clerk’s transcript* or an *appendix*,
- The original *trial court file*, or
- An *agreed statement*.

Read below for more information about these options.

#### (1) Clerk’s transcript or appendix

**Description:** A clerk’s transcript is a compilation of the documents filed in the trial court that is prepared by the trial court clerk. An appendix is a compilation of these documents prepared by a party. (Cal. Rules of Court, rule [8.124](#).)

**Contents:** Certain documents, such as the notice of appeal and the trial court judgment or order being appealed, must be included in the clerk’s transcript or appendix. These documents are listed in rule [8.122\(b\)](#) and rule [8.124\(b\)](#) of the California Rules of Court and in Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case) (form [APP-003](#)).

**Clerk’s transcript.** If you want any documents other than those listed in rule [8.122\(b\)](#) to be included in the clerk’s transcript, you must tell the trial court in your notice designating the record on appeal. You can use form APP-003 to do this. You will need to identify each document you want included in the clerk’s transcript by its title and filing date or, if you do not know the filing date, the date the document was signed.

If you (the appellant) request a clerk’s transcript, the respondent also has the right to ask the clerk to include additional documents in the clerk’s transcript. If this happens, you will be served with a notice saying what other documents the respondent wants included in the clerk’s transcript.

**Cost:** The appellant is responsible for paying for preparing a clerk’s transcript. The trial court clerk will send you a bill for the cost of preparing an original and one copy of the clerk’s transcript.

You must do one of the following three things within 10 days after the clerk sends this bill or the Court of Appeal may dismiss your appeal:

- Pay the bill.
- Ask the trial court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm). The trial court will review this application to determine if you are eligible for a fee waiver.
- Give the trial court a copy of a court order showing that your fees in this case have already been waived by the court.

**Completion and delivery:** After the cost of preparing the clerk’s transcript has been paid or waived, the trial court clerk will compile the requested documents into a transcript format and, when the record on appeal is complete, will forward the original clerk’s transcript to the Court of Appeal for filing. The trial court clerk will send you a copy of the transcript. If the respondent bought a copy, the clerk will also send a copy of the transcript to the respondent.



**Appendix:** If you choose to prepare an appendix of the documents filed in the superior court, rather than designating a clerk’s transcript, that appendix must include all of the documents and be prepared in the form required by rule 8.124 of the California Rules of Court. The parties may prepare separate appendixes or stipulate (agree) to a joint appendix. If separate appendixes are prepared, each party must pay for its own appendix. If a joint appendix is prepared, the parties can agree on how the cost of preparing the appendix will be paid or the appellant will pay the cost.

The party preparing the appendix must serve the appendix on each other party (unless the parties have agreed or the Court of Appeal has ordered otherwise) and file the appendix in the Court of Appeal. The appellant’s appendix or a joint appendix must be served and filed before or together with the appellant’s opening brief. See (16) for information about the brief.

## (2) Trial court file

**When available:** If the Court of Appeal has a local rule allowing this, and the parties agree, the clerk can send the Court of Appeal the original trial court file instead of a clerk’s transcript as a record of documents filed in the trial court (see rule 8.128 of the California Rules of Court).

**Cost:** As with a clerk’s transcript, the appellant is responsible for paying for preparing the trial court file. The trial court clerk will send you a bill for this preparation cost.

You must do one of the following things within 10 days after the clerk sends this bill or the Court of Appeal may dismiss your appeal:

- Pay the bill.
- Ask the trial court to waive the cost because you cannot afford to pay. To do this, you must fill out and file a *Request to Waive Court Fees* (form FW-001). You can get form FW-001 at any courthouse or county law library or online at [www.court.ca.gov/forms](http://www.court.ca.gov/forms). The trial court will review this application to determine if you are eligible for a fee waiver.
- Give the trial court a copy of a court order showing that your fees in this case have already been waived by the court.

**Completion and delivery:** After the cost of preparing the trial court file has been paid or waived and the record on appeal is complete, the trial court clerk will number the pages and send the file and a list of the documents in the file to the Court of Appeal. The trial court clerk will also send a copy of the list of documents to the appellant and respondent so that you can put your own files of documents from the trial court in the correct order and number the pages.

## (3) Agreed statement

**Description:** An agreed statement is a summary of the trial court proceedings agreed to by the parties. (See rule 8.134 of the California Rules of Court.)

**When available:** If the trial court proceedings were not recorded by a court reporter or if you do not want to use that option, you can choose (elect) to use an agreed statement as the record of the oral proceedings. Please note that it may take more of your time to prepare an agreed statement than to use a reporter’s transcript, if it is available.

**Contents:** An agreed statement must explain what the trial court case was about, describe why the Court of Appeal is the right court to consider an appeal in this case (why the Court of Appeal has “jurisdiction”), and describe the rulings of the trial court relating to the points to be raised on appeal.

The statement should include only those facts that you and the other parties think are needed to decide the appeal.

**Preparation:** If you elect to use this option, you must file either (1) an agreed statement or (2) a written agreement (called a “stipulation”) that the parties are trying to agree on a statement, along with your notice designating the record on appeal. If you file the stipulation and the parties agree on a statement, you must file the statement within 40 days after filing the notice of appeal. If you file the stipulation and the parties cannot agree on the statement, you must file a new notice designating the record within 50 days after filing the notice of appeal.



**b. Record of what was said in the trial court (the “oral proceedings”)**

***Important!*** The type of record of the oral proceedings that you choose, including a reporter’s transcript or a settled statement, should be carefully considered, as it may affect your appeal. You should consult with a lawyer to determine the best option in your case.

The second part of the official record of the trial court proceedings is a record of what was said in the trial court (this is called a record of the “oral proceedings”). You do not *have* to send the Court of Appeal a record of the oral proceedings. But if you want to raise any issue in your appeal that would require the Court of Appeal to consider what was said in the trial court, the Court of Appeal will need a record of those oral proceedings. For example, if you are claiming that there was not substantial evidence supporting the judgment, order, or other decision you are appealing, the Court of Appeal will presume there was substantial evidence unless it has a record of the oral proceedings.

You are responsible for deciding how the record of the oral proceedings will be provided and, depending on what option you select and your circumstances, you may also be responsible for paying for preparing this record or for preparing an initial draft of the record. If you do not take care of these responsibilities, a record of the oral proceedings in the trial court will not be prepared and sent to the Court of Appeal. **If the Court of Appeal does not receive this record, you may forfeit your arguments on appeal, or the Court of Appeal may make presumptions in favor of the judgment or order.**

In an unlimited civil case, you can use *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) to tell the trial court whether you want a record of the oral proceedings and, if so, the form of the record that you want to use. You can get form APP-003 at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

There are three ways in which a record of the oral proceedings can be prepared for the Court of Appeal:

- If you or the other party arranged to have a court reporter present during the trial court proceedings, the reporter can prepare a record, called a “*reporter’s transcript*.”
- You can use an *agreed statement*.
- You can use a *settled statement*.

Read below for more information about these options.

**(1) Reporter’s transcript**

***Description:*** A reporter’s transcript is a written record (sometimes called a “verbatim” record) of the oral proceedings in the trial court prepared by a court reporter. Rule [8.130](#) of the California Rules of Court establishes the requirements for reporter’s transcripts.

***When available:*** If a court reporter was present in the trial court and made a record of the oral proceedings, you can choose (elect) to have the court reporter prepare a reporter’s transcript for the Court of Appeal. But a court reporter might not have been present unless you or another party in your case had made specific arrangements to have a court reporter present. If you are unsure, check with the trial court to see if a court reporter made a record of the oral proceedings in your case before choosing this option.

***Contents:*** If you elect to use a reporter’s transcript, you must identify by date (this is called “designating”) what proceedings you want to be included in the reporter’s transcript. You can use the same form you used to tell the court you wanted to use a reporter’s transcript—*Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003)—to do this.

If you elect to use a reporter’s transcript, the respondent also has the right to designate additional proceedings to be included in the reporter’s transcript. If you elect to proceed





without a reporter's transcript, however, the respondent may not designate a reporter's transcript without first getting an order from the Court of Appeal.

**Cost:** The appellant is responsible for paying for preparing a reporter's transcript. The trial court clerk or the court reporter will notify you of the cost of preparing an original and one copy of the reporter's transcript. You must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule 8.130 with the trial court clerk within 10 days after this notice is sent. (See rule 8.130 for more information about this deposit and the permissible substitutes, such as a waiver of this deposit signed by the court reporter.)

Unlike the fee for filing the notice of appeal and the costs for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. Money from a special fund, called the Transcript Reimbursement Fund, may be available to help you pay for the transcript. You can get information about this fund at [www.courtreportersboard.ca.gov/consumers/index.shtml#rtf](http://www.courtreportersboard.ca.gov/consumers/index.shtml#rtf).

If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by using an agreed statement or a settled statement, which are described below.

**Completion and delivery:** After the cost of preparing the reporter's transcript or a permissible substitute has been deposited, the court reporter will prepare the transcript and submit it to the trial court clerk. When the record is complete, the trial court clerk will submit the original transcript to the Court of Appeal and send you a copy of the transcript. If the respondent has purchased it, a copy of the reporter's transcript will also be mailed to the respondent.

## (2) Agreed statement

**Description:** An agreed statement is a written summary of the trial court proceedings agreed to by all the parties. See rule 8.134 of the California Rules of Court.

**When available:** If the trial court proceedings were not recorded by a court reporter or if you do not want to use that option, you can choose (elect) to use an agreed statement as the record of the oral proceedings. Please note that it may take more of your time to prepare an agreed statement than to use a reporter's transcript, if it is available.

**Contents:** An agreed statement must explain what the trial court case was about, describe why the Court of Appeal is the right court to consider an appeal in this case (why the Court of Appeal has "jurisdiction"), and describe the rulings of the trial court relating to the points to be raised on appeal.

The statement should include only those facts that you and the other parties think are needed to decide the appeal.

**Preparation:** If you elect to use this option, you must file either (1) an agreed statement or (2) a written agreement (called a "stipulation") that the parties are trying to agree on a statement, along with your notice designating the record on appeal. If you file the stipulation and the parties agree on a statement, you must file the statement within 40 days after filing the notice of appeal. If you file the stipulation and the parties cannot agree on the statement, you must file a new notice designating the record within 50 days after filing the notice of appeal.

## (3) Settled statement

**Description:** A settled statement is a summary of the trial court proceedings that is approved by the trial court judge who conducted those proceedings (the term "judge" includes commissioners, referees, hearing officers, and temporary judges).

**When available:** Under rule [8.137](#) of the California Rules of Court, you can choose (elect) to use a settled statement as the record of the oral



proceedings if (1) the trial court proceedings were not recorded by a court reporter or (2) if you have an order waiving your court fees and costs. Please note that it may take more of your time to prepare a settled statement than to use a reporter's transcript, if it is available.

If you want to use a settled statement as the record of the oral proceedings for reasons other than the two previously mentioned, you must file a motion to ask the trial court for an order. You may use *Appellant's Motion to Use a Settled Statement (Unlimited Civil Case)* (form APP-025) for this purpose. Read rule 8.137 about the requirements of your motion or request for order.

**Contents:** A settled statement must include:

- A statement of the points you (the appellant) are raising on appeal;
- A condensed narrative of the oral proceedings that you specified in the notice designating the record on appeal or motion. The condensed narrative is a summary of the testimony of each witness and other evidence that is relevant to the issues you are raising on appeal; and
- A copy of the judgment or order you are appealing attached to the settled statement.

**Preparing a proposed settled statement:** If you elect to use a settled statement, you must prepare a proposed settled statement. You may use *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form [APP-014](#)) to prepare your proposed statement. You can get the form at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

(See rule 8.137 of the California Rules of Court for more information about what must be included in a settled statement and the procedures for preparing a statement. You can get a copy of this rule at any courthouse or county law library or online at [www.courts.ca.gov/rules](http://www.courts.ca.gov/rules).)

***Serving and filing a proposed settled statement:***

You must serve and file the proposed statement within 30 days after filing your notice electing to use a settled statement or within 30 days after the trial court clerk sends, or a party serves, the order granting the motion to use a settled statement.

“Serve and file” means that you must:

- Have somebody over 18 years old mail, deliver, or electronically send (serve) the proposed settled statement to the respondent in the way required by law. If the proposed statement is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the proposed settled statement has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the proposed statement, who was served with the proposed statement, how the proposed statement was served (by mail, in person, or electronically), and the date the proposed statement was served.
- File the original proposed settled statement and the proof of service with the trial court. You should make a copy of the proposed statement you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the proposed statement to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).



**Respondent's review:** The respondent has 20 days from the date you serve your proposed settled statement to serve and file either:

- Proposed changes (called “amendments”) to the proposed statement; or
- If the oral proceedings in the trial court were reported by a court reporter, a notice indicating that the respondent is electing to provide a reporter’s transcript instead of proceeding with a settled statement.

**Review of appellant’s proposed settled statement:** If the respondent proposes changes, the trial court judge then reviews both your proposed statement and the respondent’s proposed amendments. The trial judge will either make or order you (the appellant) to make any corrections or modifications to the statement that are needed to make sure that the statement provides an accurate summary of the testimony and other evidence relevant to the issues you indicated you are raising on appeal. For more information, see rule 8.137(f) of the California Rules of Court. See also rule [8.140](#), which explains the consequences for a party’s failure to make corrections that are ordered to be made to the proposed statement.

**Request for hearing to review proposed settled statement:** No later than 10 days after the respondent files proposed amendments, or the time to do so has expired, a party may request a hearing to review and correct the proposed statement. No hearing will be held unless ordered by the trial court judge. A judge will not ordinarily order a hearing unless there is a factual dispute about a material aspect of the trial court proceeding. If there is a hearing, see rule 8.137 for more information.

**Additional review procedures:** If there is no hearing after the respondent proposes changes to the settled statement, and if the judge makes any

corrections or modifications to the proposed statement, the corrected or modified statement will be sent to you and the respondent for your review.

If the judge orders you to make any corrections or modifications to the proposed statement, you must serve and file the corrected or modified statement within the time ordered by the judge. See rule 8.140, which explains the consequences for a party’s failure to make corrections to the proposed statement.

If you or the respondent disagree with anything in the modified or corrected statement, you have 10 days from the date the modified or corrected statement is sent to you to serve and file proposed amendments or objections to the statement. The judge then reviews the modified or corrected statement and any proposed modifications. If the judge decides that further corrections or modifications are necessary, the review process described above takes place again.

**Completion and certification:** If the judge does not order any corrections or modifications to the proposed statement, the judge must promptly certify the statement as an accurate summary of the evidence and testimony of each witness relevant to the issues you indicated you are raising on appeal.

Alternatively, the parties may serve and file a stipulation (agreement) that the statement as originally served or corrected or modified is correct. Such a stipulation is equivalent to the judge’s certification of the statement.

**Sending settled statement to the Court of Appeal:** Once the trial court judge certifies the statement or the trial court receives the parties’ stipulation, the trial court clerk will send the statement to the Court of Appeal as required under rule [8.150](#) of the California Rules of Court.



**c. Exhibits**

The third part of the official record of the trial court proceeding is the exhibits, such as photographs, documents, or other items that were admitted in evidence, refused, or lodged (temporarily placed with the court) in the trial court. Exhibits are considered part of the record on appeal, but the clerk will not include any exhibits in the clerk's transcript unless you ask that they be included in your notice designating the record on appeal. *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) includes a space for you to make this request.

You also can ask the trial court to send original exhibits to the Court of Appeal at the time briefs are filed. (See rule [8.224](#) for more information about this procedure and see below for information about briefs.)

Sometimes, the trial court returns an exhibit to a party at the end of the trial. If the trial court returned an exhibit to you or another party and you or the other party ask for that exhibit to be included in the clerk's transcript or sent to the Court of Appeal, the party who has the exhibit must deliver that exhibit to the trial court clerk as soon as possible.

You should read rules 8.200–8.224 of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in unlimited civil appeals, including requirements for the format and length of these briefs. You can get copies of these rules at any courthouse or county law library or online at [www.courts.ca.gov/rules](http://www.courts.ca.gov/rules).

**Contents and format of briefs:** If you are the appellant, your brief, called an “appellant’s opening brief,” must clearly explain the legal errors you believe were made in the trial court. Your brief must refer to the exact places in the clerk’s transcript and the reporter’s transcript (or the other forms of the record you are using) that support your argument. Each brief must be no longer than 14,000 words if produced on a computer, including footnotes. A brief produced on a typewriter must not be longer than 50 pages. The brief must contain a table of contents and a table of authorities. The cover of appellant’s opening brief filed in paper form must be green. For other content and formatting requirements for the brief, read rules [8.40](#) and [8.204](#) of the California Rules of Court.

Remember that an appeal is not a new trial. The Court of Appeal will not consider new evidence, such as new exhibits or the testimony of new witnesses, so do not include any new evidence in your brief.

**Serving and filing:** You must serve and file your opening brief within 40 days after the record is filed in the Court of Appeal or 70 days from the date the appellant chooses to proceed with no reporter’s transcript under rule [8.124](#). “Serve and file” means that you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record. The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.

**15 What happens after the official record has been prepared?**

As soon as the record on appeal is complete, the clerk of the trial court will send it to the Court of Appeal for the district in which the trial court is located. When the Court of Appeal receives the record, it will send you a notice telling you when you must file your brief in the Court of Appeal.

**16 What is a brief?**

**Description:** A “brief” is a party’s written description of the facts in the case, the law that applies, and the party’s argument about the issues being appealed. If you are represented by a lawyer in your appeal, your lawyer will prepare your brief. If you are not represented by a lawyer, you will have to prepare your brief yourself.



- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.
- Note: If a party chooses to prepare an appendix of the documents filed in the trial court instead of designating a clerk’s transcript, the appellant’s appendix or a joint appendix must be served and filed before or together with the appellant’s opening brief.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 60 days (see rule [8.212\(b\)](#) for requirements for these agreements). You can also apply to the presiding justice of the Court of Appeal to extend the time for filing this brief if you can show good cause for an extension (see rule [8.63](#) for information about extensions of time). You may use *Application for Extension of Time to File Brief—Unlimited Civil Case* (form [APP-006](#)) to ask the court for an extension.

**If you do not file your brief by the deadline set by the Court of Appeal, the court may dismiss your appeal.**

## 17 What happens after I file my brief?

Within 30 days after you serve and file your brief, the respondent must respond by serving and filing a respondent’s brief. Within 20 days after the respondent’s brief was filed, you may, but are not required to, file another brief replying to the respondent’s brief. This is called a “reply brief.”

## 18 What happens after all the briefs have been filed?

After all the briefs have been filed or the time to file them has passed, the Court of Appeal will contact you to tell you the date for oral argument in your case or ask if you want to participate in oral argument.

## 19 What is “oral argument”?

“Oral argument” is not a chance to present new evidence. Instead, it is a chance to orally explain the arguments you made in your brief to the Court of Appeal justices. You do not have to participate in oral argument if you do not want to; you can notify the Court of Appeal that you want to “waive” oral argument. If all parties waive oral argument, the justices will decide your appeal based on the briefs and the appellate record. But if any party requests oral argument, the Court of Appeal will hold oral argument.

If you choose to participate in oral argument, you will have a limited amount of time as set by the court.

Remember that the justices will have already read the briefs, so you do not need to read your brief to the justices or merely repeat the information in it. It is more helpful to tell the justices what you think is most important in your appeal or ask the justices if they have any questions you could answer.

You can find more information about oral argument in appeals cases in rule [8.256](#) of the California Rules of Court and online at [www.courts.ca.gov/12421.htm](http://www.courts.ca.gov/12421.htm).

## 20 What happens after oral argument?

After oral argument is held or waived, the justices of the Court of Appeal will make a decision about your appeal. The clerk of the court will mail you a notice of the Court of Appeal’s decision.

## 21 What should I do if I want to give up my appeal?

If you do not want to continue with your appeal, you must notify the court. If the record has not yet been filed in the Court of Appeal, file *Abandonment of Appeal (Unlimited Civil Case)* (form [APP-005](#)) in the superior court.

If the record has already been filed in the Court of Appeal, file *Request for Dismissal of Appeal (Civil Case)* (form [APP-007](#)) in the Court of Appeal.



**INFORMATION FOR THE RESPONDENT**

This part of this information sheet is written for the respondent—the party responding to an appeal filed by another party. It explains some of the rules and procedures relating to responding to an appeal in an unlimited civil case. The information may also be helpful to the appellant.

**22 I have received a notice of appeal from another party. Do I need to do anything?**

You do not *have* to do anything, but there may be consequences if you do nothing. The notice of appeal simply tells you that another party is appealing the trial court’s decision. However, this would be a good time to get advice from a lawyer, if you want it. You do not *have* to have a lawyer; if you are an individual (not a corporation, for example), you are allowed to represent yourself in an appeal in an unlimited civil case. But appeals can be complicated and you will have to follow the same rules that lawyers have to follow.

If you have any questions about the appeal procedures, you should talk to a lawyer. You must hire your own lawyer if you want one. You can get information about finding a lawyer on the Self-Help Guide to the California Courts at [selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help](http://selfhelp.courts.ca.gov/get-free-or-low-cost-legal-help).

**23 If the other party appealed, can I appeal too?**

Yes. Even if another party has already appealed, you may still appeal the same judgment or order. This is called a “cross-appeal.” To cross-appeal, you must serve and file a notice of appeal. You can use *Notice of Appeal/Cross-Appeal—Unlimited Civil Case* (form [APP-002](#)) to file this notice in an unlimited civil case. Please read the information for appellants about filing a notice of appeal, starting on page 3 of this information sheet, if you are considering filing a cross-appeal.

**24 Is there a deadline to file a cross-appeal?**

Yes. You must serve and file your notice of appeal within either the regular time for filing a notice of appeal (generally 60 days after service of Notice of Entry of the judgment or a file-stamped copy of the judgment) or within 20 days after the clerk of the trial court serves notice of the first appeal, whichever is later.

**25 I have received a notice designating the record on appeal from another party. Do I need to do anything?**

You do not *have* to do anything, but there may be consequences if you do nothing. A notice designating the record on appeal lets you know what kind of official record the appellant has asked to be sent to the Court of Appeal. Depending on the kind of record chosen by the appellant, however, you may have the option to:

- Add to what is included in the record;
- Participate in preparing the record; *or*
- Ask for a copy of the record.

Look at the appellant’s notice designating the record on appeal to see what kind of record the appellant has chosen and read about that form of the record in the response to question 14 above. Then read below for what your options are when the appellant has chosen that form of the record.

**a. Clerk's transcript or appendix**

**Clerk’s transcript:** If the appellant is using a clerk’s transcript, you have the option of asking the clerk to include additional documents in the clerk’s transcript. To do this, within 10 days after the appellant serves its notice designating the record on appeal, you must serve and file a notice designating additional documents to be included in the clerk’s transcript. You may use *Respondent’s Notice Designating Record on Appeal—Unlimited Civil Case* (form [APP-010](#)) for this purpose.



Whether or not you ask for additional documents to be included in the clerk's transcript, you must pay a fee if you want a copy of the clerk's transcript. The trial court clerk will send you a notice indicating the cost for a copy of the clerk's transcript. If you want a copy, you must deposit this amount with the court within 10 days after the clerk's notice was sent.

If you cannot afford to pay this cost, you can ask the trial court to waive it. To do this, you must fill out and file a *Request to Waive Court Fees* (form [FW-001](#)). You can get form FW-001 at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). The trial court will review this application and determine if you are eligible for a fee waiver. The clerk will not prepare a copy of the clerk's transcript for you unless you deposit payment for the cost or obtain a fee waiver.

**Appendix:** If the appellant is using an appendix, and you and the appellant have not agreed to a joint appendix, you may prepare a separate respondent's appendix. See pages 5–6 for more information about preparing an appendix.

If the appellant chooses a clerk's transcript but does not have a waiver of the fee for a clerk's transcript, you can choose an appendix instead of a clerk's transcript, and the appeal will proceed by appendix. To choose an appendix, you can fill out and file *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010) within 10 days after the appellant's notice designating the record on appeal is filed.

#### **b. Reporter's transcript**

If the appellant is using a reporter's transcript, you have the option of asking for additional proceedings to be included in the reporter's transcript. To do this, within 10 days after the appellant files its notice designating the record on appeal, you must serve and file a notice designating additional proceedings to be included in the reporter's transcript. You may use *Respondent's Notice Designating Record on Appeal—Unlimited Civil Case* (form APP-010) for this purpose.

Whether or not you ask for additional proceedings to be included in the reporter's transcript, you must generally pay a fee if you want a copy of the reporter's transcript. The trial court clerk or reporter will send you a notice indicating the cost of preparing a copy of the reporter's transcript. If you want a copy of the reporter's transcript, you must deposit payment for this cost (and a fee for the trial court) or one of the substitutes allowed by rule [8.130](#) with the trial court clerk within 10 calendar days after this notice is sent. (See rule 8.130 for more information about this deposit and the permissible substitutes, such as a waiver of this deposit signed by the court reporter.)

Unlike the fee for preparing a clerk's transcript, the court cannot waive the fee for preparing a reporter's transcript. Money from a special fund, called the Transcript Reimbursement Fund, may be available to help you pay for the transcript. You can get information about this fund at [www.courtreportersboard.ca.gov/consumers/index.shtml#trf](http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf).

The reporter will not prepare a copy of the reporter's transcript for you unless you deposit the cost of the transcript, or provide one of the permissible substitutes, or your application for payment by the Transcript Reimbursement Fund is approved.

#### **c. Agreed statement**

If you and the appellant agree to prepare an agreed statement (a summary of the trial court proceedings that is agreed to by the parties), you and the appellant will need to reach an agreement on that statement within 40 days after the appellant files its notice of appeal. See rule [8.134](#) of the California Rules of Court.

#### **d. Settled statement**

If the appellant elects to use a settled statement (a summary of the trial court proceedings that is approved by the trial court), the appellant will send you a proposed settled statement to review. You will have 20 days from the date the appellant served you this proposed statement to serve and file either:



- Suggested changes (called “amendments”) that you think are needed to make sure that the settled statement provides an accurate summary of the evidence and testimony of each witness relevant to the issues the appellant is raising on appeal (see page 10 of this form and rule [8.137\(e\)–\(h\)](#) for more information about the amendment process); or
- If the oral proceedings in the trial court were reported by a court reporter, a notice indicating that you are choosing to provide a reporter’s transcript, at your expense, instead of proceeding with a settled statement (see rule 8.137(e)(2) for the requirements for choosing to provide a reporter’s transcript).

Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the proposed amendments to the appellant in the way required by law. If the proposed amendments are mailed or personally delivered, it must be by someone who is not a party to the case—so not you.

- Make a record that the proposed amendments have been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) can be used to make this record. The proof of service must show who served the proposed amendments, who was served with the proposed amendments, how the proposed amendments were served (by mail, in person, or electronically), and the date the proposed amendments were served.
- File the original proposed amendments and the proof of service with the trial court. You should make a copy of the proposed amendments you are planning to file for your own records before you file them with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the proposed amendments to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form [APP-009-INFO](#)) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).

## **26** What happens after the official record has been prepared?

As soon as the record on appeal is complete, the clerk of the trial court will send it to the Court of Appeal. When the Court of Appeal receives this record, it will send you a notice telling you when you must file your brief in the Court of Appeal.

A brief is a party’s written description of the facts in the case, the law that applies, and the party’s argument about the issues being appealed. If you are represented by a lawyer, your lawyer will prepare your brief. If you are not represented by a lawyer in your appeal, you will have to prepare your brief yourself.

You should read rules [8.200–8.224](#) of the California Rules of Court, which set out the requirements for preparing, serving, and filing briefs in unlimited civil appeals, including requirements for the format and length of these briefs. You can get these rules at any courthouse or county law library or online at [www.courts.ca.gov/rules](http://www.courts.ca.gov/rules).

The appellant serves and files the first brief, called an “appellant’s opening brief.” You must respond by serving and filing a “respondent’s brief” within 30 days after the appellant’s opening brief is filed. “Serve and file” means that you must:

- Have somebody over 18 years old mail, personally deliver, or electronically send (serve) the brief to the other parties in the way required by law. If the brief is mailed or personally delivered, it must be by someone who is not a party to the case—so not you.
- Make a record that the brief has been served. This record is called a “proof of service.” *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) can be used to make this record.

The proof of service must show who served the brief, who was served with the brief, how the brief was served (by mail, in person, or electronically), and the date the brief was served.





- File the original brief and the proof of service with the Court of Appeal. You should make a copy of the brief you are planning to file for your own records before you file it with the court. Unless you are filing electronically, it is a good idea to bring or mail an extra copy of the brief to the clerk when you file your original and ask the clerk to stamp this copy to show that the original has been filed.

You can get more information about how to serve court papers and proof of service from *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).

You and the other parties can agree (stipulate) to extend the time for filing this brief by up to 60 days (see rule 8.212(b) for requirements for these agreements). You can also apply to the presiding justice of the Court of Appeal to extend the time for filing this brief if you can show good cause for an extension. You **may** use *Application for Extension of Time to File Brief—Unlimited Civil Case* (form [APP-006](#)) to ask the court for an extension.

If you do not file a respondent’s brief, the appellant does not automatically win the appeal. The court will decide the appeal on the record, the appellant’s brief, and any oral argument by the appellant. Remember that an appeal is not a new trial. The Court of Appeal will not consider new evidence, such as new exhibits or the testimony of new witnesses, so do not include any new evidence in your brief.

If you file a respondent’s brief, the appellant then has an opportunity to serve and file another brief within 20 days to reply to your brief.

## 27 What happens after all the briefs have been filed?

After all the briefs have been filed or the time to file them has passed, the Court of Appeal will contact you to tell you the date for oral argument in your case or ask if you want to participate in oral argument.

## 28 What is “oral argument”?

“Oral argument” is not a chance to present new evidence. Instead, it is a chance to orally explain the arguments you made in your brief to the Court of Appeal justices. You do not have to participate in oral argument if you do not want to; you can notify the Court of Appeal that you want to “waive” oral argument. If all parties waive oral argument, the justices will decide your appeal based on the briefs and the appellate record. But if any party requests oral argument, the Court of Appeal will hold oral argument.

If you choose to participate in oral argument, you will have a limited amount of time as set by the court.

Remember that the justices will have already read the briefs, so you do not need to read your brief to the justices or merely repeat the information in it. It is more helpful to tell the justices what you think is most important in your appeal or ask the justices if they have any questions you could answer.

You can find more information about oral argument in appeals cases in rule [8.256](#) of the California Rules of Court and online at [www.courts.ca.gov/12421.htm](http://www.courts.ca.gov/12421.htm).

## 29 What happens after oral argument?

After oral argument is held or waived, the justices of the Court of Appeal will make a decision about your appeal. The clerk of the court will mail you a notice of the Court of Appeal’s decision.

|  |   |
|--|---|
| <p><b>COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____</b></p>  | <p>COURT OF APPEAL CASE NUMBER (if known):</p>  |
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____</p> <p>NAME: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____</p>  | <p><i>FOR COURT USE ONLY</i></p> <p style="font-size: 24pt; font-weight: bold;">DRAFT</p> <p style="font-size: 24pt; font-weight: bold;">06.17.2024</p> <p style="font-size: 24pt; font-weight: bold;">Not approved<br/>by Judicial<br/>Council</p> |
| <p>APPELLANT: _____</p> <p>RESPONDENT: _____</p>   |   |
| <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b></p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>   |   |
| <p>JUDGES (all who participated in case): _____</p>  | <p>SUPERIOR COURT CASE NUMBER: _____</p>  |
| <p><b>CIVIL CASE INFORMATION STATEMENT</b></p>   |   |
| <p><b>NOTE TO APPELLANT:</b> You must file this form with the clerk of the Court of Appeal <b>within 15 days after the Court of Appeal assigns the appeal a case number.</b> You must attach to this form a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered"). A copy of this form must also be served on the other party or parties to this appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken <b>ONLY</b> to the appellate division of the superior court (Code Civ. Proc., § 904.2) or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).</p> |   |

**PART I – APPEAL INFORMATION**

**1. APPEALABILITY**

a. Appeal is from:

- judgment after jury trial.
- judgment after court trial.
- default judgment.
- judgment after an order granting a summary judgment motion.
- judgment of dismissal under Code Civ. Proc., § 581d, 583.250, 583.360, or 583.430.
- judgment of dismissal after an order sustaining a demurrer.
- an order after judgment under Code Civ. Proc., § 904.1(a)(2).
- an order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13).
- Other (describe and specify code section that authorizes this appeal):

b. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?

- Yes  No (If no, please explain why the judgment is appealable):

**2. TIMELINESS OF APPEAL (Provide all applicable dates.)**

- a. Date of entry of judgment or order appealed from:
- b. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.104:
- c. Was a motion for new trial, for judgment notwithstanding the verdict, for reconsideration, or to vacate the judgment made and denied?
  - Yes  No (If yes, please specify the type of motion):

Date notice of intention to move for new trial (if any) filed: \_\_\_\_\_

Date motion filed: \_\_\_\_\_ Date motion denied: \_\_\_\_\_ Date denial served: \_\_\_\_\_

d. Date notice of  appeal or  cross-appeal filed:

**3. BANKRUPTCY OR OTHER STAY**

Is there a related bankruptcy case or a court-ordered stay that affects this appeal?  Yes  No  
 (If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)

|                       |                              |
|-----------------------|------------------------------|
| APPELLATE CASE TITLE: | APPELLATE COURT CASE NUMBER: |
|-----------------------|------------------------------|

4. APPELLATE CASE HISTORY (*Provide additional information, if necessary, on attachment 4.*) Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court?

Yes  No (If yes, insert name of appellate court):

Appellate court case no.:

Title of case:

Name of trial court:

Trial court case no.:

#### 5. SERVICE REQUIREMENTS

Is service of documents in this matter, including a notice of appeal, petition, or brief, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute?

Yes  No (*If yes, please indicate the rule or statute that applies*)

Rule 8.29 (e.g., constitutional challenge; state or county party)  Code Civ. Proc., § 1355 (Escheat)

Bus. & Prof. Code, §16750.2 (Antitrust)

Gov. Code, § 946.6(d) (Actions against public entities)

Bus. & Prof. Code, § 17209 (Unfair Competition Act)

Gov. Code, § 4461 (Disabled access to public buildings)

Bus. & Prof. Code, § 17536.5 (False advertising)

Gov. Code, § 12656(a) (False Claims Act)

Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney)

Health & Saf. Code, § 19954.5 (Accessible seating and accommodations)

Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations)

Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing)

Pub. Resources Code, § 21167.7 (CEQA)

Other (*specify statute*):

**NOTE: The rule and statutory provisions listed above require service of a copy of a party's notice of appeal, petition, or brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply.**

### PART II – NATURE OF ACTION

1. Nature of action (*check all that apply*):

a.  Conservatorship

b.  Contract

c.  Eminent domain

d.  Equitable action (1)  Declaratory relief (2)  Other (*describe*):

e.  Family law

f.  Guardianship

g.  Probate

h.  Real property rights (1)  Title of real property (2)  Other (*describe*):

i.  Tort

(1)  Medical malpractice

(2)  Product liability

(3)  Other personal injury

(4)  Personal property

(5)  Other tort (*describe*):

j.  Trust proceedings

k.  Writ proceedings in superior court

(1)  Mandate (Code Civ. Proc., § 1085) (2)  Administrative mandate (Code Civ. Proc., § 1094.5)

(3)  Prohibition (Code Civ. Proc., § 1102) (4)  Other (*describe*):

l.  Other action (*describe*):

2.  This appeal is eligible for calendar preference/priority on appeal (*cite authority or explain*):

*A party seeking calendar preference or priority on a non-statutory or discretionary ground must promptly serve and file in the Court of Appeal a motion for preference. (See Cal. Rules of Court, rule 8.240).*

|                       |                              |
|-----------------------|------------------------------|
| APPELLATE CASE TITLE: | APPELLATE COURT CASE NUMBER: |
|-----------------------|------------------------------|

**PART III – PARTY AND ATTORNEY INFORMATION**

*In the spaces below or on a separate page or pages, list all the parties and all their attorneys of record who will participate in the appeal. For each party, provide all of the information requested on the left side of the page. On the right side of the page, if a party is self-represented please check the appropriate box and provide the party's mailing address, telephone number, fax number, and email address. If a party is represented by an attorney, on the right side of the page, check the appropriate box and provide all of the requested information about that party's attorney.*

Responses to Part III are attached instead of below

|  |  |
|--|--|
| Name of Party:<br><br>Appellate court designation:<br><input type="checkbox"/> Appellant <input type="checkbox"/> Respondent<br>Trial court designation:<br><input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Other (specify): | <input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented<br>Name of attorney:<br>State Bar no:<br>Firm name:<br>Mailing address:<br><br>Telephone no.: Fax no:<br>Email address: |
| Name of Party:<br><br>Appellate court designation:<br><input type="checkbox"/> Appellant <input type="checkbox"/> Respondent<br>Trial court designation:<br><input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Other (specify): | <input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented<br>Name of attorney:<br>State Bar no:<br>Firm name:<br>Mailing address:<br><br>Telephone no.: Fax no:<br>Email address: |
| Name of Party:<br><br>Appellate court designation:<br><input type="checkbox"/> Appellant <input type="checkbox"/> Respondent<br>Trial court designation:<br><input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Other (specify): | <input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented<br>Name of attorney:<br>State Bar no:<br>Firm name:<br>Mailing address:<br><br>Telephone no.: Fax no:<br>Email address: |
| Name of Party:<br><br>Appellate court designation:<br><input type="checkbox"/> Appellant <input type="checkbox"/> Respondent<br>Trial court designation:<br><input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Other (specify): | <input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented<br>Name of attorney:<br>State Bar no:<br>Firm name:<br>Mailing address:<br><br>Telephone no.: Fax no:<br>Email address: |

Additional pages attached

Date:

This statement is prepared and submitted by:



(SIGNATURE OF ATTORNEY OR SELF-REPRESENTED PARTY)

|                       |                              |
|-----------------------|------------------------------|
| APPELLATE CASE TITLE: | APPELLATE COURT CASE NUMBER: |
|-----------------------|------------------------------|

NOTICE TO PARTIES: A copy of this form must be served on the other party or parties to this appeal. If served by mail or personal delivery, THE MAILING OR DELIVERY MUST BE PERFORMED BY SOMEONE WHO IS NOT A PARTY TO THE APPEAL. Electronic service is authorized only if ordered by the court or if the party served has agreed to accept electronic service. A person who is at least 18 years old must complete the information below and serve all pages of this document. When all pages of this document have been completed and a copy served, the original may then be filed with the court.

**PROOF OF SERVICE**

**Mail**     
  **Personal Service**     
  **Electronic Service**

1. At the time of service I was at least 18 years of age.
2. My residence or business address is (*specify*):
  
3. I mailed, personally delivered, or electronically served a copy of the *Civil Case Information Statement (Appellate)* as follows (*complete a, b, or c*):
  - a.  **Mail.** I am a resident of or employed in the county where the mailing occurred and am not a party to this legal action.
    - (1) I enclosed a copy in an envelope **and**
      - (a)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
  
      - (c) Date of mailing:
      - (d) Place of mailing (*city and state*):
  - b.  **Personal delivery.** I am not a party to this legal action. I personally delivered a copy as follows:
    - (1) Name of person served:
    - (2) Address where delivered:
  
    - (3) Date delivered:
    - (4) Time delivered:
  - c.  **Electronic service.** My electronic service address is (*specify*):  
 I electronically served a copy as follows:
    - (1) Name of person served:
    - (2) Electronic service address of person served:
    - (3) On (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_ ▶ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

|   |                                     |  |
|---|-------------------------------------|--|
| <b>COURT OF APPEAL</b>  | <b>APPELLATE DISTRICT, DIVISION</b> | COURT OF APPEAL CASE NUMBER:   |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER:   |                                     | SUPERIOR COURT CASE NUMBER:  |
| NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>EMAIL ADDRESS:<br>ATTORNEY FOR (name): |                                     | <h2 style="margin: 0;">DRAFT</h2> <h2 style="margin: 0;">6.17.2024</h2> <h2 style="margin: 0;">Not approved</h2> <h2 style="margin: 0;">by Judicial</h2> <h2 style="margin: 0;">Council</h2> |
| APPELLANT:<br><br>RESPONDENT:   |                                     |  |
| <b>APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF—<br/>UNLIMITED CIVIL CASE</b>  |                                     |  |
| <b>Notice: Please read Judicial Council form <a href="#">APP-001-INFO</a> before completing this form.</b>                            |                                     |  |

1. a. I (name): \_\_\_\_\_ request that the time to file (check one)
  - appellant's opening brief (AOB)
  - respondent's brief (RB)
  - combined respondent's brief (RB) and appellant's opening brief (AOB) (see Cal. Rules of Court, rule [8.216](#))
  - combined appellant's reply brief (ARB) and respondent's brief (RB) (see Cal. Rules of Court, rule [8.216](#))
  - appellant's reply brief (ARB)
  - supplemental or other brief (describe): \_\_\_\_\_
- b. now due on (date): \_\_\_\_\_
- c. be extended to (date): \_\_\_\_\_ for an extension of (total number of days sought): \_\_\_\_\_ days.
2. I  have  have not received a Cal. Rules of Court, rule [8.220](#) default notice.
3. I have received
  - no previous extensions to file this brief.
  - the following previous extensions:
    - (number of extensions): \_\_\_\_\_ extensions by stipulation totaling (total number of days): \_\_\_\_\_
    - (number of extensions): \_\_\_\_\_ extensions from the court totaling (total number of days): \_\_\_\_\_

Did the court use the words "no further" in a prior order or directive granting an extension?  Yes  No
4. I am unable to file a stipulation to an extension because
  - the other party is unwilling to stipulate to an extension.
  - the maximum stipulated time has already been used.
  - other reason (please specify): \_\_\_\_\_
5. The last brief filed by any party was  AOB  RB  RB and AOB  ARB and RB  ARB  Other filed on (date): \_\_\_\_\_
6. The record in this case is
 

|                              | <u>Volumes (#)</u> | <u>Pages (#)</u> | <u>Date filed</u> |
|------------------------------|--------------------|------------------|-------------------|
| Appendix/Clerk's Transcript: | _____              | _____            | _____             |
| Reporter's Transcript:       | _____              | _____            | _____             |
| Augmentation/Other:          | _____              | _____            | _____             |
7.  The trial court has ordered the proceedings in this case stayed until this appeal is decided.

|                           |                              |
|---------------------------|------------------------------|
| APPELLANT:<br>RESPONDENT: | COURT OF APPEAL CASE NUMBER: |
|---------------------------|------------------------------|

8.  This appeal is eligible for, or has been granted, calendar preference/priority (*cite authority or explain*):

9. The reasons that I need an extension to file this brief are stated

below.

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form [APP-031A](#)) for this purpose. (*Please address the Cal. Rules of Court, rule 8.63 factors, including possible prejudice to the parties*):

10. For attorneys filing application on behalf of client, I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule [8.60](#)).

11. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.60(c)). You may use *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_  \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is  below  on a separate document

**ORDER**

EXTENSION OF TIME IS

granted to (*date*):

denied

Date:

 \_\_\_\_\_  
 (SIGNATURE OF PRESIDING JUSTICE)

Clerk stamps date here when form is filed.

**DRAFT  
06.03.2024  
Not approved  
by Judicial  
Council****Instructions**

- This form is only for requesting an extension of time to file a brief in an appeal in a **limited civil case**. Note that any rules referenced in this form are from the California Rules of Court.
- Before you fill out this form, read *Information on Appeal Procedures for Limited Civil Cases* (form [APP-101-INFO](#)) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at [www.courts.ca.gov/selfhelp-serving.htm](http://www.courts.ca.gov/selfhelp-serving.htm).
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order that is being appealed:

**Superior Court of California, County of**

You fill in the number and name of the trial court case in which the judgment or order is being appealed:

**Trial Court Case Number:****Trial Court Case Name:**

You fill in the appellate division case number:

**Appellate Division Case Number:****1 Your Information**

- a. Name of party requesting extension of time to file brief:

\_\_\_\_\_

- b. Party's contact information (
- skip this if the appellant has a lawyer for this appeal*
- ):

Street address: \_\_\_\_\_

Mailing address (*if different*): \_\_\_\_\_  
Street City State ZipPhone: \_\_\_\_\_ Email: \_\_\_\_\_  
Street City State Zip

- c. Party's lawyer (
- skip this if the appellant does not have a lawyer for this appeal*
- ):

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_

Mailing address (*if different*): \_\_\_\_\_  
Street City State ZipPhone: \_\_\_\_\_ Email: \_\_\_\_\_  
Street City State Zip

Fax: \_\_\_\_\_





Case Name: \_\_\_\_\_

- 2 I am requesting an extension on the time to file:
  - Appellant’s opening brief, which is now due on (date): \_\_\_\_\_
  - Respondent’s brief, which is now due on (date): \_\_\_\_\_
  - Appellant’s reply brief, which is now due on (date): \_\_\_\_\_
  - Supplemental or other brief, which is now due on (date): \_\_\_\_\_
- 3 I am requesting that the time to file the brief identified in 2 be extended to (date): \_\_\_\_\_  
For an extension of (total number of days sought): \_\_\_\_\_ days.
- 4 I  have  have not received a default notice under rule 8.882(c) from the clerk that this brief must be filed within 15 days.
- 5 The time to file the brief (check all that apply):
  - Has not been extended before.
  - Has been extended before by the stipulation of the parties. The parties stipulated to (number of extensions) \_\_\_\_\_ totaling (number of days) \_\_\_\_\_
  - Has been extended before by the court. The court granted (number of extensions) \_\_\_\_\_ totaling (number of days) \_\_\_\_\_
- 6 I am not able to stipulate to an extension to file this brief because (check one):
  - The other party is not willing to stipulate to an extension.
  - The maximum stipulated time has already been used.
  - Other reason (please describe the reason):  
\_\_\_\_\_  
\_\_\_\_\_
- 7  This appeal is eligible for calendar preference/priority because (cite authority or explain):  
\_\_\_\_\_
- 8 The reason I need an extension to file this brief is (describe the reason you need an extension; please address the rule 8.811(b) factors, including possible prejudice to the parties):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write “Attachment 8” for a title. You may use form APP-031A.
- 9 The last brief filed by any party in this case was:
  - The appellant’s opening brief, filed on (date): \_\_\_\_\_
  - The respondent’s brief, filed on (date): \_\_\_\_\_
  - The appellant’s reply brief, filed on (date): \_\_\_\_\_
  - A supplemental or other brief, filed on (date): \_\_\_\_\_
- 10 If this extension is being requested by a lawyer on behalf of a client, the lawyer must complete this item.
  - I certify that I have delivered a copy of this application to my client (rule 8.810(e)). I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Signature of party or attorney

|   |                                     |   |           |
|---|-------------------------------------|---|-----------|
| <b>COURT OF APPEAL</b>  | <b>APPELLATE DISTRICT, DIVISION</b> | COURT OF APPEAL CASE NUMBER:                                  |           |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:                        |                                     | SUPERIOR COURT CASE NUMBER:                                   |           |
| NAME:   |                                     | DRAFT<br>06.03.2024<br>Not approved<br>by Judicial<br>Council |           |
| FIRM NAME:  |                                     |   |           |
| STREET ADDRESS:   |                                     |   |           |
| CITY:   | STATE:                              |   | ZIP CODE: |
| TELEPHONE NO.:  | FAX NO.:                            |   |           |
| EMAIL ADDRESS:  |                                     |   |           |
| ATTORNEY FOR ( <i>name</i> ):   |                                     |   |           |
| APPELLANT:  |                                     |   |           |
| RESPONDENT:   |                                     |   |           |
| <b>APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF—<br/>CRIMINAL CASE</b> |                                     |   |           |

1. a. I (*name*): \_\_\_\_\_ request that the time to file (*check one*)
  - appellant's opening brief (AOB)
  - respondent's brief (RB)
  - appellant's reply brief (ARB)
  - supplemental or other brief (*describe*): \_\_\_\_\_
- b. now due on (*date*): \_\_\_\_\_
- c. be extended to (*date*): \_\_\_\_\_ for an extension of (*total number of days sought*): \_\_\_\_\_ days.
  
2. I  have  have not received a Cal. Rules of Court, rule [8.360\(c\)\(5\)](#) default notice.
  
3. I have received
  - no previous extensions to file this brief.
  - the following previous extensions:
    - (*number of extensions*): \_\_\_\_\_ extensions from the court totaling (*total number of days*): \_\_\_\_\_
    - Did the court use the words "no further" in a prior order or directive granting an extension?  Yes  No
  
4. The last brief filed by any party was  AOB  RB  ARB  Other filed on (*date*): \_\_\_\_\_
  
5. The record in this case is
 

|                        | Volumes (#) | Pages (#) | Date filed |
|------------------------|-------------|-----------|------------|
| Clerk's Transcript:    | _____       | _____     | _____      |
| Reporter's Transcript: | _____       | _____     | _____      |
| Augmentation/Other:    | _____       | _____     | _____      |
  
6. Defendant was convicted of (*specify*): \_\_\_\_\_
  
7. The conviction is based on a (*check one*)
  - jury or court trial.
  - plea of guilty or no contest.

|                               |                              |
|-------------------------------|------------------------------|
| APPELLANT:<br><br>RESPONDENT: | COURT OF APPEAL CASE NUMBER: |
|-------------------------------|------------------------------|

8. The court imposed the following punishment:

9. The defendant  is  is not on bail pending appeal.

10. The reasons that I need an extension to file this brief are stated

below.

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form [APP-031A](#)) for this purpose.

*(Please address the Cal. Rules of Court, rule [8.63](#) factors, including possible prejudice to the parties):*

11. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule [8.60\(c\)](#)). You may use *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

|                               |  |
|-------------------------------|--|
| _____<br>(TYPE OR PRINT NAME) | <br>_____<br>(SIGNATURE OF PARTY OR ATTORNEY) |
|-------------------------------|--|

Order on Application is  below  on a separate document

### ORDER

EXTENSION OF TIME IS

granted to (date):  
 denied

Date:

\_\_\_\_\_  
 (SIGNATURE OF PRESIDING JUSTICE)

(Appellate)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

|   |   |                              |
|---|---|------------------------------|
| <b>COURT OF APPEAL</b>  | <b>APPELLATE DISTRICT, DIVISION</b>                           | COURT OF APPEAL CASE NUMBER: |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:  | SUPERIOR COURT CASE NUMBER(S):                                |                              |
| NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.: | DRAFT<br>06.03.2024<br>Not approved<br>by Judicial<br>Council |                              |
| EMAIL ADDRESS:<br>ATTORNEY FOR ( <i>name</i> ):   |   |                              |
| Case Name: In re _____, person(s), coming under the juvenile court law                      |   |                              |
| APPELLANT:<br>RESPONDENT:   |   |                              |
| <b>APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF—<br/>JUVENILE JUSTICE CASE</b>           |   |                              |

1. a. I (*name*): \_\_\_\_\_ request that the time to file (*check one*)
  - appellant's opening brief (AOB)
  - respondent's brief (RB)
  - combined respondent's brief (RB) and appellant's opening brief (AOB) (see Cal. Rules of Court, rule [8.216](#))
  - combined appellant's reply brief (ARB) and respondent's brief (RB) (see Cal. Rules of Court, rule 8.216)
  - appellant's reply brief (ARB)
  - supplemental or other brief (*describe*): \_\_\_\_\_
- b. now due on (*date*): \_\_\_\_\_
- c. be extended to (*date*): \_\_\_\_\_ for an extension of (*total number of days sought*): \_\_\_\_\_ days.
2. I  have  have not received a Cal. Rules of Court, rule [8.412\(d\)\(1\)](#) default notice.
3. I have received
  - no previous extensions to file this brief.
  - the following previous extensions:
    - (*number of extensions*): \_\_\_\_\_ extensions from the court totaling (*total number of days*): \_\_\_\_\_
    - Did the court use the words "no further" in a prior order or directive granting an extension?  Yes  No
4. The last brief filed by any party was  AOB  RB  RB and AOB  ARB and RB  ARB  Other filed on (*date*): \_\_\_\_\_
5. The record in this case is
 

|                        | <u>Volumes (#)</u> | <u>Pages (#)</u> | <u>Date filed</u> |
|------------------------|--------------------|------------------|-------------------|
| Clerk's Transcript:    | _____              | _____            | _____             |
| Reporter's Transcript: | _____              | _____            | _____             |
| Augmentation/Other:    | _____              | _____            | _____             |
6. The juvenile was adjudicated a ward of the court based on commission of the following offense(s): \_\_\_\_\_
7. The disposition followed (*check one*)
  - a contested hearing.
  - an admission.

|                           |                              |
|---------------------------|------------------------------|
| APPELLANT:<br>RESPONDENT: | COURT OF APPEAL CASE NUMBER: |
|---------------------------|------------------------------|

8. The court imposed the following disposition:

9. The reasons that I need an extension to file this brief are stated

below.

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form [APP-031A](#)) for this purpose.

*(Please address the Cal. Rules of Court, rule [8.63](#) factors, including possible prejudice to the parties. Note that an exceptional showing of good cause is required in cases subject to Cal. Rules of Court, rule [8.417](#).)*

10. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule [8.60\(c\)](#)). You may use *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is  below  on a separate document

**ORDER**

EXTENSION OF TIME IS

granted to (date):  
 denied

Date:

\_\_\_\_\_  
(SIGNATURE OF PRESIDING JUSTICE)

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|  |                                     |   |           |
|--|-------------------------------------|---|-----------|
| <b>COURT OF APPEAL</b>   | <b>APPELLATE DISTRICT, DIVISION</b> | COURT OF APPEAL CASE NUMBER:                                  |           |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:                                   |                                     | DRAFT<br>06.03.2024<br>Not approved<br>by Judicial<br>Council |           |
| NAME:  |                                     |   |           |
| FIRM NAME:   |                                     |   |           |
| STREET ADDRESS:  |                                     |   |           |
| CITY:  | STATE:                              |   | ZIP CODE: |
| TELEPHONE NO.:   | FAX NO.:                            |   |           |
| EMAIL ADDRESS:   |                                     |   |           |
| ATTORNEY FOR (name):   |                                     |   |           |
| Case Name: In re _____, person(s), coming under the juvenile court law               |                                     |   |           |
| APPELLANT:   |                                     |   |           |
| RESPONDENT:  |                                     |   |           |
| <b>APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF—<br/>JUVENILE DEPENDENCY CASE</b> |                                     |   |           |

1. a. I (name): \_\_\_\_\_ request that the time to file (check one)
  - appellant's opening brief (AOB)
  - respondent's brief (RB)
  - combined respondent's brief (RB) and appellant's opening brief (AOB) (see Cal. Rules of Court, rule [8.216](#))
  - combined appellant's reply brief (ARB) and respondent's brief (RB) (see Cal. Rules of Court, rule [8.216](#))
  - appellant's reply brief (ARB)
  - supplemental or other brief (describe): \_\_\_\_\_
- b. now due on (date): \_\_\_\_\_
- c. be extended to (date): \_\_\_\_\_ for an extension of (total number of days sought): \_\_\_\_\_ days.
2. I  have  have not received a Cal. Rules of Court, rule [8.412\(d\)\(1\)](#) default notice.
3. I have received
  - no previous extensions to file this brief.
  - the following previous extensions:
    - (number of extensions): \_\_\_\_\_ extensions from the court totaling (total number of days): \_\_\_\_\_
    - Did the court use the words "no further" in a prior order or directive granting an extension?  Yes  No
4. The last brief filed by any party was  AOB  RB  RB and AOB  ARB and RB  ARB  Other filed on (date): \_\_\_\_\_
5. The record in this case is
 

|                        | Volumes (#) | Pages (#) | Date filed |
|------------------------|-------------|-----------|------------|
| Clerk's Transcript:    | _____       | _____     | _____      |
| Reporter's Transcript: | _____       | _____     | _____      |
| Augmentation/Other:    | _____       | _____     | _____      |
6. The order appealed from was made under Welfare and Institutions Code (check all that apply)
  - a.  section 360 (declaration of dependency)  removal of custody from parent or guardian  other orders  with review of section 300 jurisdictional findings
  - b.  section 366.26
    - termination of parental rights  appointment of guardian  planned permanent living arrangement

|                           |                              |
|---------------------------|------------------------------|
| APPELLANT:<br>RESPONDENT: | COURT OF APPEAL CASE NUMBER: |
|---------------------------|------------------------------|

- 6. c.  section 366.28
- d.  other appealable orders relating to dependency (*specify*):

7. The reasons that I need an extension to file this brief are stated

below.

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form [APP-031A](#)) for this purpose.

*(Please address the Cal. Rules of Court, rule [8.63\(b\)](#) factors, including possible prejudice to the parties. Note that an exceptional showing of good cause is required in cases subject to Cal. Rules of Court, rule [8.416](#).)*

8. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule [8.60\(c\)](#)). You may use *Proof of Service (Court of Appeal)* (form [APP-009](#)) or *Proof of Electronic Service (Court of Appeal)* (form [APP-009E](#)) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME)

\_\_\_\_\_ (SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is  below  on a separate document

**ORDER**

EXTENSION OF TIME IS

granted to *(date)*:

denied

Date:

\_\_\_\_\_ (SIGNATURE OF PRESIDING JUSTICE)

## SPR24-02

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100; revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|    | <b>Commenter</b>   | <b>Position</b> | <b>Comment</b>  | <b>Committee Response</b>  |
|----|--|-----------------|---|--|
| 1. | Brendan J. Begley<br>Weintraub Tobin Chediak Coleman                     | AM              | Revising all existing forms for requesting an extension of time to file briefs to make the forms mandatory, and revising the rules to reflect this new mandatory status, is a good idea if the mandatory form(s) allow(s) for supplemental information to be provided. Not frequently but sometimes the circumstances that warrant or pertain to a requested continuance are complicated and require more detail than the space on the declaration section allows. When such information is elaborate, it would be easier for the courts to read it in double-spaced, larger-font format than allowed by the present declaration on APP-006 or even the supplemental declaration on APP-031A. Thank you for considering my point of view. | The committee appreciates the feedback. As currently drafted, the extension of time forms allow the party seeking the extension to explain why the extension is needed either on the form itself or on a separate declaration. If the party wants to use a separate declaration, the instructions state that the party “may” use form APP-031A, but this is not required. A party is free to provide a separate declaration in another format. |
| 2. | California Appellate Defense Counsel<br>by Rebecca Jones, Vice President | AM              | On behalf of California Appellate Defense Counsel (“CADC”), I would like to submit the following comments regarding the proposed rule mandating use of Judicial Council Forms for applications for extensions of time in criminal matters.<br><br>CADC is a nonprofit organization whose members accept appointments at state expense in criminal, juvenile, and dependency appeals. Most of our members are solo practitioners who primarily handle criminal indigent appeals.   | The committee appreciates the feedback.  |



**SPR24-02**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100;

revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|  | Commenter | Position | Comment  | Committee Response  |
|--|-----------|----------|--|---|
|  |           |          | <p>For reasons that I explain <i>post</i>, we oppose the proposed rule change. Our members are not opposed to change per se. Nor are they opposed to rules that ensure that every lawyer complies with the court’s rules regarding counsel’s duty to explain why an extension of time is necessary and will not prejudice the parties. They are opposed to rules that make their work more difficult, without any discernible improvement in their ability to provide quality representation to their clients.</p> | <p>The committee appreciates the response and notes the commenter’s opposition to making the extension of time forms mandatory.</p> <p>The committee has decided not to recommend that the Council’s extension of time forms be made mandatory. The committee believes that leaving the forms optional will help ensure that all parties and attorneys are able to efficiently access the courts and request an extension of time to file their briefs without encountering technology-based problems or inconveniences. This will also help ensure that otherwise valid requests for extensions of time will not be rejected simply because the form was not used.</p> |
|  |           |          | <p>This state is struggling to recruit and retain lawyers to do the constitutionally mandated work that our members do. By imposing unreasonable and unnecessary procedural rules on our members, the state not only runs the risk of incurring greater costs for processing appeals already in the pipeline, it also runs the risk of discouraging new lawyers to join the ranks of those of us already committed to indigent criminal appellate representation.</p>  | <p>The committee appreciates the feedback.</p>  |
|  |           |          | <p>If this committee ultimately decides it must mandate use of the CR-126 form, it should commit to meeting with members of CADC to ensure that the form is functional for every lawyer who is</p>   | <p>The committee appreciates the feedback and always welcomes feedback or comments on appellate forms.</p>  |

**SPR24-02**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100; revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|  | Commenter | Position | Comment  | Committee Response |
|--|-----------|----------|--|--------------------|
|  |           |          | required to use it, regardless of that lawyer's access to any particular computer software. But this committee should also consider the possibility that mandating use of a particular form would be both counterproductive and expensive, requiring the state to reimburse counsel for hours required to navigate an unusable form rather than reserving state funds for the real reason the state pays us: To ensure that everyone receives constitutionally adequate representation during the litigation of their criminal appeal. |                    |

**SPR24-02**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100;

revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|  |  |  |  |
|--|--|--|--|
|  |  | <p>To understand our position on this proposed rule change, the committee should understand a few aspects of our practice that have changed in recent years and that have made it inevitable that we will request more extensions of time than in the past.</p> <p>Over the past 10-15 years, our membership, and the number of attorneys willing to take on appointed criminal appeals on behalf of indigent defendants, have dropped precipitously. We, and the courts, attribute this decrease in large part to the extreme financial difficulty in managing a solo practice that must comply with relatively rigid billing rules, including statewide guidelines regarding the performance of tasks that the state considers to be routine, and a low hourly payment rate, which caps out at \$130 per hour. For comparison purposes, according to U.S. News and World Report, attorneys nationwide averaged a fee of \$327 per hour in August 2023. <a href="https://law.usnews.com/law-firms/advice/articles/what-does-hiring-a-lawyer-cost">https://law.usnews.com/law-firms/advice/articles/what-does-hiring-a-lawyer-cost</a>. This citation is not intended to complain about pay disparities but is offered to explain why the pool of attorneys willing to handle indigent appointed criminal appeals has shrunk.</p> <p>The nature of our work, and the constraints under which we may bill our time, makes us particularly sensitive to issues that impact our ability to work efficiently. Importantly, for purposes of this committee’s consideration, our ability to work efficiently also affects the state’s coffers. If we</p> | <p>The committee appreciates the feedback.</p> |
|--|--|--|--|

**SPR24-02**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100;

revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|  |  |   |  |
|--|--|---|--|
|  |  | <p>have to spend additional time on a court-mandated task, the court needs to pay for that work.</p> <p>Other factors affect our practice and the use of extensions of time also. First, there are now many fewer of us than in the past. The appellate projects that manage our appointments are asking us to take many more appointments than we took previously. This means, if we try to accommodate those requests, we need to take on a larger caseload and are less able to review records and file briefs as quickly as we could in the past. This is not a problem of our own making. We have been asked to carry a heavier caseload to ensure that appellate litigants do not languish unrepresented for unreasonable periods of time. But it also means we may need to request more extensions of time to complete our work competently.</p> <p>Second, since this nation weathered the COVID-19 pandemic and the cessation of jury trials for an extended period of time, jury trials have finally restarted. Our members are finding that superior court appellate clerks are struggling to provide us with complete appellate records in a timely manner, requiring us to file repeated requests for extensions of time until we have all the materials we need to represent our clients consistent with the mandate of the Sixth Amendment.</p> <p>Against this background, we ask the committee to consider the impact of forcing counsel in criminal appeals (which, for the most part, are all indigent</p> |  |
|--|--|---|--|

**SPR24-02**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100; revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | <p>criminal appeals) to use a single Judicial Council form to request extensions of time. Our survey of members regarding the currently available form for extensions of time (EOTs) has revealed that members find the form difficult to use, time-consuming to edit, and a general waste of time.</p> |  |
|--|--|--|---|--|

**SPR24-02**

**Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time** (amend Cal. Rules of Court, rules 8.100;

revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

All comments are verbatim unless indicated by an asterisk (\*).

|  | Commenter | Position | Comment   | Committee Response  |
|--|-----------|----------|---|---|
|  |           |          | <p>That is not to say that our members could not adapt to using a state-mandated form. But if they were required to do so, our membership asks that the state find a way to make any such form accessible and usable on a variety of platforms – including MAC and Windows – that it be easily savable and editable for repeat use, and that the court accept applications for extensions of time that contain all of the information included on the mandatory form but that may have been input through non-.pdf software, such as Microsoft Word, that creates a document mirroring the mandated form.</p> | <p>The committee appreciates the feedback. Staff has tested the extension of time forms to ensure that users who download the most recent version of the forms on the Judicial Council website are able to fill out each field on the forms, save the forms on their computer, and then reopen and further edit those saved forms. Staff has confirmed that this can be done on both Windows and MacOS based machines using Adobe Acrobat Reader.</p> |
|  |           |          | <p>For the committee’s consideration, I have included an appendix of comments from our organization’s membership regarding the difficulties they confront using the current CR-126 form available on the state’s website. For purposes of this committee’s consideration, these difficulties translate into more attorney hours spent on activities that should be routine clerical matters and that will cost the state unnecessary money.</p> <p>We appreciate the opportunity to share our membership’s views on this proposal and are available for further discussions on the issue.</p>                 | <p>The committee appreciates the feedback. See below for responses to specific comments.</p>  |
|  |           |          | <p>APPENDIX TO COMMENT ON PROPOSED RULE CHANGE</p>  | <p>The committee appreciates the feedback. Staff has tested the extension of time forms to ensure that users who download the most recent version of the</p>  |

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revise forms APP-001-INFO, APP-004, APP-006, APP-106, CR-126, JV-816, and JV-817)

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|  | Commenter | Position | Comment   | Committee Response   |
|--|-----------|----------|---|--|
|  |           |          | <p>* The PDF forms drive me stark raving mad. Sometimes they won't save with the new information, sometimes they won't let you insert information into certain fields. Sometimes you have to print them out and hand write in missing information and scan them back as a PDF. Ridiculous! Waste of time and energy.</p>  | <p>forms on the Judicial Council website are able to fill out each field on the forms, save the forms on their computer, and then reopen and further edit those saved forms. Staff has confirmed that this can be done on both Windows and MacOS based machines using Adobe Acrobat Reader.</p>  |
|  |           |          | <p>* The standard supposedly fillable forms have been awful to use. I still use my standard template and can't see any benefit to having to abandon it.</p>   | <p>The committee appreciates the feedback.</p>   |
|  |           |          | <p>* I would only (barely) support this rule if they hire the person at CCAP who made the form usable. Because the one provided by the Judicial Council is (a) hard to use and (b) gets rejected by the courts routinely for flaws that are built into the original. I vastly prefer to use Word or Word Perfect to do things like this since it is easier to use templates and autofill fields (without accidentally overwriting an original), but if I must use a required form it damn well needs to work.</p> | <p>See above response.</p>   |
|  |           |          | <p>* I use the CCAP form (the current version can be used for any district) and I am able to reuse and edit it as long as I save it under a new name. The versions provided by the JCC do not allow this because you have to save them in some funky uneditable format or else the courts can't read them.</p>  | <p>The committee appreciates the feedback. Staff has tested the extension of time forms to ensure that users who download the most recent version of the forms on the Judicial Council website are able to fill out each field on the forms, save the forms on their computer, and then reopen and further edit those saved forms. Staff has confirmed that this</p> |

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|  | Commenter | Position | Comment   | Committee Response   |
|--|-----------|----------|---|--|
|  |           |          |   | can be done on both Windows and MacOS based machines using Adobe Acrobat Reader. |
|  |           |          | * The online forms don't let you re-use the same filled in form over and over, so you have to look up or at least retype information about the size of the record and the dates things were filed, over and over again. Although I have had a staff attorney tell me it is a tech problem on my end that the form will lock, we risk getting hours cut on any EOT after the first because we have to re-type the information.   | See above response.  |
|  |           |          | * I don't like the form because it is not feasible to update it for any subsequent EOT requests, and I have to start from scratch, yet we are not supposed to bill the full time for preparing subsequent EOTs because it has always been assumed that once the original EOT has been filed, repeat ones take less time to prepare.   | See above response.  |
|  |           |          | * CR-126 doesn't work for me, so I have had to save CR-126 as a series of tiff files, fill them in with a graphics editor, and then assemble the tiffs into a pdf. This works pretty well for me and I don't have the worry of filled in text disappearing or fields not wanting to be filled in. It was easier to do this than trying to create a form that looks like CR-126. However, I don't think the average person would want to go through the trouble and it | See above response.  |



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|  | Commenter | Position | Comment  | Committee Response  |
|--|-----------|----------|--|---|
|  |           |          | <p>produces about six different files per completed extension.</p>   |   |
|  |           |          | <p>* I have had great frustration and waste of time with the Judicial Council forms. If they are going to accept only that actual form, I hope they are also going to allow for a lot more flexibility on the compensation guidelines so that we can bill for the actual time it takes to comply with a rule requiring use of the Judicial Council forms. To require use of that form and not compensate us for that would be very unfair. But even with compensation, I would rather spend my time doing substantive law practice than dealing with an unwieldy form.</p>   | <p>The committee appreciates the feedback. Adjustment to the compensation guidelines is outside of the committee’s purview.</p>   |
|  |           |          | <p>This extended comment from a member is particularly insightful:</p> <p>The current version of the form has buttons to print, save and clear but they do not function on the website or after downloading. I also cannot save a copy for my files or print without those boxes appearing. I had to purchase Adobe Acrobat Pro in order to "edit" the form to remove those boxes, and to electronically sign my PDFs. (I was unable to use Apple's Preview or the free standard Adobe Acrobat to fill the form without difficulties). Also, I have found Acrobat Pro necessary to prevent having to print out the proof of service separately. Acrobat Pro allows me to "Combine Files" so I can save my proof of service</p> | <p>The committee appreciates the response. Currently, Judicial Council forms do not provide fields allowing for electronic signatures and have security features designed to protect form integrity and therefore do not permit for modification of the forms (including combining a form with another document).</p> |

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|  | Commenter | Position | Comment   | Committee Response  |
|--|-----------|----------|---|---|
|  |           |          | <p>Word document as a PDF, and then combine the extension form PDF with the proof of service PDF into one document.</p>   |   |
|  |           |          | <p>Notably, each update of the form has had a new glitch, which tends to be the norm in any electronic update these days, but this is something to consider when requiring a form by law. The past form would not let me fill in my state bar number correctly without editing with Adobe Acrobat Pro. The current version has a similar problem but this time it requires the additional four numbers of my zip code (e.g. 92130-1234), and if I do not type in numbers it will fill in the first four numbers as "0" (e.g. the last example with only five digits would appear as 00009-2130). I use the Edit function on Adobe and fix the numbers later (I do not know the last four of my zip because it is a PMB). In the older version, the calendar link had dates in different styles (e.g. Sept. 12, 2024; September 12, 2024).</p> | <p>The committee appreciates the feedback. The extension of time forms have been revised to correct the formatting of the state bar and ZIP code fields.</p>  |
|  |           |          | <p>When I first tried using the form, I had to print out a PDF, print out a separate proof of service document, sign both and scan them to save into a PDF for filing purposes.</p>   | <p>The committee appreciates the response. Currently, Judicial Council forms do not provide fields allowing for electronic signatures and have security features designed to protect form integrity do not permit for modification of the forms (including combining a form with another document).</p> |
|  |           |          | <p>The spacing for the record page count can be difficult to work with when records get complex--</p>   | <p>The committee appreciates the feedback and is recommending that CR-126 be revised to expand</p>  |

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|--|-----------|----------|---|--|
|  |           |          | <p>there is a single line for each of the Clerk's, Reporters, and Augment/Other, and a single filing date for each. Thus, I have had to use Adobe Acrobat to Edit and add additional lines if there were parts that were filed on different dates. I have also used the Edit/Add-a-typed-line function for requests for Supplemental Pro Per Briefs when my clients have requested I filed an extension on their behalf (it does not include that in the list of possible briefs, although technically it states "supplemental/other brief" I write in it is the pro per brief, not filed by me, to be clear).</p>                            | <p>the lines on item 5 to provide more space to provide information.</p> <p>Additionally on each extension of time form, the committee is recommending that item 1's "supplemental or other brief" item be revised to say: "supplemental or other brief (<i>describe</i>):" followed by a text box where the user describes the brief for which an extension is being sought.</p>  |
|  |           |          | <p>The Respondent box sometimes requires me to shorthand the title for the Department/Agency, or if there are multiple respondents (i.e. another parent).</p>   | <p>The committee appreciates the feedback.</p>   |
|  |           |          | <p>If there are errors, I cannot undo any deletions without losing what I wrote (cannot "undo" and have writing reappear) so I usually type up my request in Word then copy/paste into the PDF form. Then I usually find that I am a few characters over the limit in the space available (1131 characters, including spaces and punctuation marks). I often need to include citations to rules and pending cases, etc., and there is the newly added requirement of addressing prejudice (technically not new to address if there was prejudice but now we have to state no prejudice). Also, there was a time period where LA wanted us</p> | <p>The committee appreciates the feedback and has made Judicial Council staff aware of the specific issues raised. Staff has confirmed that the "undo" function works on the most recent version of the extension of time forms available on the Judicial Council website.</p> <p>The committee is recommending that CR-126 be revised to expand the space for users to list why an extension of time is being sought.</p> |

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|    | Commenter   | Position | Comment   | Committee Response   |
|----|---|----------|---|--|
|    |   |          | to use specific verbiage when we were taking package offers1--in addition to other reasons-- which made the explanation require additional space. Otherwise, an additional page can be used but that somewhat defeats the efficiency purpose of the PDF form. I understand the court will have the ability to see important information on the first page, but it seems awkward to have a third page for explanations, especially when there simply is an extra line or two needed. Perhaps they could make more space for the explanation and move the box for grant/denial to a third page, or at least move line 8 down a little bit because there is some wasted space after line 8 (that just states a proof of service is attached) and the grant/denial box.)      |  |
| 3. | California Lawyers Association, Litigation Section, Committee on Appellate Courts<br>by Saul Bercovitch, Associate Executive Director, Governmental Affairs | AM       | The Committee on Appellate Courts (CAC) of the California Lawyers Association’s Litigation Section submits this response to the Invitation to Comment on SPR24-02. Established in 2018, the California Lawyers Association is a nonprofit, voluntary organization comprising thousands of licensed attorneys that is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas. As part of its mission, the CAC frequently shares its views regarding proposals to change rules that govern appellate practice. This new proposed change would change filing procedures for the Civil Case Information | The committee appreciates the feedback. See below for response to specific comments. |

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|  | Commenter | Position | Comment  | Committee Response                             |
|--|-----------|----------|--|--|
|  |           |          | <p>Statement (CCIS), update the question regarding calendar preference on the CCIS form, and modify procedures for extension requests, including mandating use of the Judicial Council’s extension-application forms. The CAC generally supports some of these changes. However, we also propose modifying the rule regarding the CCIS filing deadline and we have concerns regarding making the extension forms mandatory. Finally, we thank the Advisory Appellate Committee for its work on this issue.</p>       |  |
|  |           |          | <p><b>1. Changing the Deadline for Filing a Civil Case Information Statement</b><br/>                     The CAC supports SPR24-02’s proposed change to Rule 8.100(g), requiring an appellant to file the CCIS within 15 days after an appeal is docketed, but we suggest modifications to prevent an appellant from having the deadline triggered without notice.</p>  | <p>The committee appreciates the feedback.</p> |
|  |           |          | <p>The current rule requires an appellant to file the CCIS within 15 days after the Superior Court clerk sends the parties notification of the filing of a notice of appeal. The Court of Appeal often does not assign a case number within that timeframe, making it impossible to comply with the current rule because there is no case number in which to file the CCIS. To avoid this problem, most courts treat the CCIS filing deadline as triggered when the clerk sends notification that the appeal has</p> | <p>See above response.</p>                     |

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|  | Commenter | Position | Comment  | Committee Response  |
|--|-----------|----------|--|---|
|  |           |          | <p>been docketed, but the conflict between this practice and Rule 8.100(g) leads to confusion.</p> <p>Although we support changing the rule, we recommend modifications to make the new rule easier to follow. The current proposal requires the appellant to file a CCIS within 15 days after the reviewing court “lodges the notice of appeal and assigns the appeal a case number.” It seems unnecessary to hinge the filing deadline on both (1) lodgment and (2) assignment of a case number.</p> <p>The appeal is always lodged with the Court of Appeal before a case number is assigned, and it is the assignment of a case number that makes it possible to file the CCIS. We would therefore recommend removing the reference to “lodgment.”</p> | <p>The committee appreciates the feedback. The committee has revised the proposal to remove the reference to the notice of appeal being “lodged.” The proposal now recommends that Rule 8.100(g)(1) be amended to read “Within 15 days after the reviewing court assigns the appeal a case number, the appellant must serve and file in the reviewing court a completed <i>Civil Case Information Statement</i> (form APP-004), attaching a copy of the judgment or appealed order that shows the date it was entered.”</p> |

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|  | Commenter | Position | Comment   | Committee Response   |
|--|-----------|----------|---|--|
|  |           |          | <p>One other concern is that Courts of Appeal do not uniformly notify the parties when a case number is assigned (or the notification can take several days to issue), so under the proposed rule, some appellants may have the CCIS filing deadline triggered without notice. A survey of the clerk’s offices statewide illustrates this lack of uniformity. Every district notifies the parties of the assignment of a case number except for Divisions Two and Three of the Fourth District. Of those that notify the parties, some do so by email and some by Truefiling with mail copy to pro per parties who do not have Truefiling access. Most districts’ docketing notice letters provide that the CCIS is due within 15 days of the letter, not from when the case number was assigned.</p> <p>Given these practices, we suggest requiring the clerk to notify the parties when a case is docketed (if this can be done within the scope of the current rule), and to make the CCIS due within 15 days of the clerk’s docketing notice. This change aligns with common practice and serves the rule’s purpose of requiring the CCIS to be filed promptly. It also protects parties from having the CCIS filing deadline triggered without notice.</p> | <p>The committee appreciates the feedback. Amending the rules to require the clerk to send a notification to the parties when a case number is assigned is outside the scope of the instant proposal.</p> <p>The committee notes that rule 8.100(g)(1) used to require what the commenter is suggesting: that appellate clerks send docketing notices to the parties and that the Civil Case Information Statement deadline be tied to the sending of this notice. The rule was amended effective January 1, 2014, to replace these requirements with the existing rule. The committee is now informed that a majority of the Courts of Appeal do send docketing notices in some form to the parties once a case number is assigned.</p> <p>If experience with this proposal’s recommended amendment to rule 8.100(g)(1) suggests that requiring appellate clerks to send docketing notices to the parties would be beneficial, the committee may revisit this question in the future.</p> |
|  |           |          | <p><b>2. Modifying the Civil Case Information Statement Question Regarding Calendar Preference or Priority</b></p>  | <p>The committee appreciates the feedback and notes the commenter’s support for revising item 2 on the CCIS.</p>   |

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|  | <b>Commenter</b> | <b>Position</b> | <b>Comment</b>  | <b>Committee Response</b> |
|--|------------------|-----------------|---|---------------------------|
|  |                  |                 | The CAC supports amending item 2, part II of the CCIS to clarify that the appellant may provide a nonstatutory reason why the appeal is eligible for calendar preference. We agree that the current reference to “authority” may cause some appellants to forego identifying an appeal as a priority matter on the CCIS form. |                           |



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|--|--|---|--|
|  |  | <p><b>3. Mandating Use of Judicial Council Form for “Good Cause” Filing Extensions</b></p> <p>The CAC has concerns about requiring parties to use the Judicial Council forms to request extensions of time. The Appellate Advisory Committee proposes mandatory use of the forms to ensure that applications address the “good cause” factors in Rule 8.63(b)(1)–(11), such as whether the appeal is entitled to priority and whether the requested extension would result in prejudice to opposing parties.</p> <p>Our concern is that, while the form might help focus the applicant on relevant factors, making it mandatory could also trap unwary litigants, causing valid applications to be rejected because of the form of the document. The consequence could be more appeals going into default, creating unnecessary work for the parties and the court.</p> <p>Making the extension-application form mandatory while the extension-stipulation form remains optional would also likely lead to confusion. As it stands, almost all Judicial Council appeal forms are optional, including stipulations for extensions of time. The only mandatory appellate forms consist of the Civil Case Information Statement in civil cases and death-penalty related documents in criminal cases. The optional nature of most forms (including extension stipulations that serve a similar purpose to an extension application) creates a high likelihood that counsel will not remember to submit the mandatory form when</p> | <p>The committee appreciates the feedback and notes the commenter’s opposition to making the Judicial Council’s extension of time forms mandatory.</p> <p>The committee has decided not to recommend that the Council’s extension of time forms be made mandatory. The committee believes that leaving the forms optional will help ensure that all parties and attorneys are able to efficiently access the courts and request an extension of time to file their briefs without encountering technology-based problems or inconveniences. This will also help ensure that otherwise valid requests for extensions of time will not be rejected simply because the form was not used.</p> |
|--|--|---|--|

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|--|--|---|--|
|  |  | <p>applying for, as opposed to stipulating to, an extension.</p> <p>The proposed change would also require changes to local rules and forms, which either do not call for the same information as the Judicial Council’s form or which explicitly state that parties do <i>not</i> need to follow the Judicial Council’s forms exactly. (<i>See, e.g.</i>, Second District Form 2DCA-04, Application for Extension of Time (Brief) available at <a href="https://www.courts.ca.gov/documents/2DCA-04.pdf">https://www.courts.ca.gov/documents/2DCA-04.pdf</a>, Local Rules of the Court of Appeal First Appellate District, Rule 11(b) (requiring extension-of-time applications to be “substantially in the form of” the optional judicial council form).)</p> <p>Given these potential downsides, we question whether the change will accomplish a significant enough gain in efficiency to merit adoption. The mandatory-form proposal springs from concerns of some members of the Appellate Caseflow Workgroup, but it does not appear that the Workgroup reached a consensus to recommend this change specifically. The Workgroup recommended changing the optional form to include more of the Rule 8.63 factors. It also suggested requiring parties that choose not to use the optional form to still include the relevant information in their applications (which we believe is already mandated by Rule 8.63). The Judicial Council modified the forms on January 1, 2024 to include more of the Rule 8.63 factors.</p> |  |
|--|--|---|--|

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|  |  |  | <p>With that change in place, making the form mandatory is unnecessary because the court can simply reject any application that fails to address the relevant factors, regardless of how the information is presented.</p> |  |
|--|--|--|--|--|

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|    | Commenter  | Position | Comment  | Committee Response  |
|----|--|----------|--|---|
|    |  |          | <p>Finally, it appears that some practitioners have identified problems with the forms themselves. These include an inability to input certain fields or to save the completed document for editing. Compiling the PDF form together with extra declaration pages may also prove technologically challenging.</p>  | <p>The committee appreciates the feedback. Staff has tested the extension of time forms to ensure that users who download the most recent version of the forms on the Judicial Council website are able to fill out each field on the forms, save the forms on their computer, and then reopen and further edit those saved forms. Staff has confirmed that this can be done on both Windows and MacOS based machines using Adobe Acrobat Reader.</p> |
|    |  |          | <p>While we would encourage any applicant for an extension of time to address the Rule 8.63 factors, the downsides of requiring the Judicial Council forms outweigh potential benefits to be gained from this rule change.</p>   | <p>The committee appreciates the feedback.</p>  |
|    |  |          | <p><b>4. Implementing a Judicial Council Form for Extensions in Misdemeanor Appeals</b><br/>           The CAC supports adopting a form by which the parties in a misdemeanor appeal can request an extension of time to file briefs. The forms are useful, yet the extension form for criminal appeals is not formatted for use in the appellate division of the Superior Court. As long as the form is adopted for optional use, we believe it will be beneficial.</p> | <p>See above response.</p>  |
| 4. | Family Violence Appellate Project (FVAP)<br>by Cory Hernandez, Senior Managing Attorney<br>Oakland | AM       | The following comments are submitted by Family Violence Appellate Project (FVAP) regarding the Judicial Council’s Invitation to Comment number SPR24-02. We greatly appreciate the Council’s continued efforts to make the appellate process   | No response necessary.  |

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|  | Commenter | Position | Comment  | Committee Response  |
|--|-----------|----------|--|---|
|  |           |          | <p>more accessible and inclusive, and are grateful to the Council for considering and responding to many of our past suggestions on these issues (and are more than happy to continue working with the Council on further issues as well as other past issues we’ve raised that have not yet been addressed).</p>  |   |
|  |           |          | <p>(1) <b>Support</b> the proposal to clarify on the APP-004 CCIS (civil case information statement) form that the ground for calendar preference can be a nonstatutory reason.</p>  | <p>The committee notes the commenter’s support for revising form APP-004.</p> |
|  |           |          | <p>a. However, for what it may be worth, we wanted to note that there arguably is not really a “nonstatutory” ground for calendar preference (or perhaps stated more precisely, not really a need for such nonstatutory ground), given the broad scope covered already by CCP § 36, subd. (e) (“interests of justice”). Indeed, the proposal cites Warren v. Schecter, but in that case, the Court expressly relied on CCP § 36, subd. (e) and former CRC 19.3 (current CRC 8.240), so its ruling was, at least arguably, actually statutory. This technical distinction may, though, be a distinction without much of a difference, especially as related to this proposal.</p> | <p>The committee appreciates the feedback.</p>                                |
|  |           |          | <p>b. At the same time, we do not doubt that a court, including an appellate court, has inherent authority</p>   | <p>See above response.</p>  |

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|  | Commenter | Position | Comment   | Committee Response  |
|--|-----------|----------|---|---|
|  |           |          | to grant calendar preference—that is, a court could still grant calendar preference in “the interests of justice” even if, say, CCP § 36, subd. (e) were amended or removed.  |   |
|  |           |          | (2) <b>Support</b> the proposal to amend CRC 8.100 to require the CCIS form be filed within 15 days that the Court of Appeal lodges the Notice of Appeal (NOA) and opens an appellate case number.  | The committee notes the commenter’s support for amending rule 8.100.  |
|  |           |          | a. In practice, it has often been unclear when precisely the CCIS would be due, especially since it can take weeks or months before an appeal gets docketed, after an NOA is filed. So we appreciate this rule’s clarification.   | The committee appreciates the feedback.   |
|  |           |          | i. We also ask the Council consider addressing delays in docketing appeals. We have seen several reasons why appeal docketing gets delayed, from superior courts rejecting NOA forms on improper grounds to clerks not sending/receiving NOAs for weeks after they are filed. | The committee appreciates the feedback. Addressing docketing delays is outside the scope of the instant proposal. |
|  |           |          | b. Plus, this amendment to CRC 8.100 seems to make logical sense, since the APP-004 (CCIS), unlike the APP-003 (NDRA), has to be filed in the Court of Appeal instead of the superior court.  | The committee appreciates the feedback.   |

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|  | Commenter | Position | Comment  | Committee Response   |
|--|-----------|----------|--|--|
|  |           |          | <p>i. Tying the CCIS deadline to the filing of the NOA (current rule) is problematic because it can take weeks or months, after the NOA is filed, before a Court of Appeal case is opened. So this proposal has a better internal logic by tying the CCIS deadline to the action of the Court of Appeal, i.e., docketing the appeal.</p>   | <p>See above response.</p>   |
|  |           |          | <p>(3) <b>Recommend</b> for the proposed amendment to the APP-001-INFO form, there should be added language clarifying that many cases do not have online dockets available on the court’s website, since they’re confidential or masked. In such cases, parties should be directed to contact the Court directly to get an update. Without that clarifying language, pro. per. appellants may not know they need to reach out to the Court of Appeal instead of waiting for an online docket to be created.</p>           | <p>The committee appreciates the feedback. The committee has declined to make the recommended revision. The committee concludes that it will be the rare case where there is no online information for an appeal.</p>  |
|  |           |          | <p>(4) <b>Recommend</b>, in response to the proposal’s specific question about <i>In re Conservatorship of K.Y.</i>, that California Rules of Court, rule 8.480 (instead of the EOT form as proposed) be amended—or a new rule of court adopted—to require that, in cases of conservatorship and other civil commitments, a party seeking an extension of time (EOT) tell the court, in the application, both (1) whether calendar preference has been granted/is warranted and (2) when the challenged order expires.</p> | <p>The committee appreciates the feedback. Rule or form amendments to address extension of time requests in civil commitment or conservatorship appeals is outside the scope of the instant appeal. The committee may consider this issue in the future as time and resources allow.</p> |

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|  | Commenter | Position | Comment   | Committee Response         |
|--|-----------|----------|---|----------------------------|
|  |           |          | <p>a. <b>OR</b>, we recommend that, instead of amending the EOT form, a new form should be adopted for these cases—separate from APP-006 for the reasons discussed below.</p>   | <p>See above response.</p> |
|  |           |          | <p>b. We would <b>OPPOSE</b> adding an item for expiration dates on the APP-006 form. That form is used in family law appeals, and many/most family law orders have no expiration date (e.g., custody, child support), so having this item on the form will cause confusion, especially for self-represented litigants. (About one- third of appellants represent themselves, so far as we can see from the data available.)</p>  | <p>See above response.</p> |
|  |           |          | <p>i. Furthermore, even if a challenged family law order <i>may</i> have an expiration date, like a domestic violence restraining order after hearing (Fam. Code, § 6345, subd. (a)), the expiration of the order does not necessarily moot an appeal from or related to that same order. (See, e.g., <i>A.F. v. Jeffrey F.</i> (2023) 90 Cal.App.5th 671, 682; <i>Yost v. Forestiere</i> (2020) 51 Cal.App.5th 509, 515, fn. 2; <i>Harris v. Stampolis</i> (2016) 248 CA4 484, 495-496; <i>Celia S. v. Hugo H.</i> (2016) 3 Cal.App.5th 655, 665-666; <i>Gonzalez v. Munoz</i> (2007) 156 Cal.App.4th 413, 416-417.)</p> | <p>See above response.</p> |



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|  | Commenter | Position | Comment  | Committee Response  |
|--|-----------|----------|--|---|
|  |           |          | <p>ii. And, even if the expiration of the order, or some other occurrence like death of the respondent, may moot a family law or restraining order appeal, that does not necessarily bar the appeal because a court has discretion to consider an otherwise moot appeal. (See, e.g., <i>IRMO F.M. &amp; M.M.</i> (2021) 65 CA5 106, 110, fn. 1.)</p>   | <p>See above response.</p>  |
|  |           |          | <p><b>(5) Support, in a LIMITED way as discussed below</b>, the proposal to require the EOT forms (like APP-006) be mandatory instead of optional.</p>   | <p>The committee notes the commenter’s support for making the extension of time forms mandatory, subject to the qualifications stated in the comment.</p> |
|  |           |          | <p>a. More specifically, we agreed with this recommendation back in our comments to prior proposal SPR23-06.</p>   | <p>The committee appreciates the feedback.</p>  |
|  |           |          | <p>b. However, in those comments, which we repeat here, we want to be clear that we would <b>NOT</b> want these EOT forms (like APP-006) to be mandatory if the forms were amended to require the party to explain what work has been done on the appeal thus far, as that type of requirement would raise serious confidentiality and privilege issues, not to mention practical implementation issues for self-represented parties</p> | <p>The committee appreciates the feedback.</p>  |
|  |           |          | <p>c. If the EOT forms (like APP-006) <i>are</i> amended to require more of parties, those form changes should only come from statutory or rule changes.</p>   | <p>The committee appreciates the feedback.</p>  |

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|  | Commenter | Position | Comment   | Committee Response   |
|--|-----------|----------|---|--|
|  |           |          | <p>(6) <b>Recommend</b> that the EOT forms (e.g., APP-006) be amended to address the following issues, which we had also noted in our comments to proposal SPR23-06:</p>  | <p>See below for response to specific comments.</p>  |
|  |           |          | <p>a. Item 1(a) should have space for amicus to use the form to request an extension. (CRC 8.200(c)(1).)</p> <p>i. Or perhaps better, there should be a separate form for amici to request an EOT to file their brief.</p>                                      | <p>Last year, the extension of time forms were revised to, among other things, include a “supplemental or other brief” option in item 1. The committee has revised this item to include a direction for the party to describe the “supplemental or other brief” with a text box for this description.</p>  |
|  |           |          | <p>b. Item 8 should be divided into two parts: 8(a) for “The Court granted calendar preference on [ ]”; and then 8(b) for “This appeal is eligible for calendar preference because [ ].” This will help with readability, especially for pro. per. parties.</p> | <p>The committee declines to make the suggested revision due to space constraints.</p>   |
|  |           |          | <p>c. Item 9 should be amended, in the <i>italicized parenthetical explanation</i>, to remove the phrase “including possible prejudice to the parties.”</p>   | <p>The committee declines to make the suggested revision. The committee notes that in its December 2022 report, the Chief Justice’s Appellate Caseflow Workgroup recommended that the extension of time forms specifically request whether an extension would result in prejudice to the parties.</p> <p>Rule 8.63(b)(1) states that a court should consider the “degree of prejudice, if any, to any party from a grant or denial of the extension. A party claiming prejudice must support the claim in detail.” The</p> |

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|  | Commenter | Position | Comment   | Committee Response   |
|--|-----------|----------|---|--|
|  |           |          |   | <p>committee does not read this rule as only requiring a discussion of possible prejudice if one party is claiming prejudice. To the contrary, the committee believes that the absence of prejudice to any party is an important factor that should be considered in determining whether to grant an extension.</p> <p>Given the potential importance of the prejudice factor, the committee believes the form, as drafted, is likely to elicit information from a party that will be useful to a reviewing court.</p> |
|  |           |          | <p>i. CRC 8.36(b)(1) only requires a party to discuss possible prejudice <i>if they or the other party is claiming prejudice</i>.</p>   | <p>See above response.</p>   |
|  |           |          | <p>ii. By having additional language in the form, the form now requires a party to discuss possible prejudice <i>in every case</i>, whereas CRC 8.36 only requires such discussion <i>in a limited number of cases</i>.</p> | <p>See above response.</p>   |
|  |           |          | <p>iii. As such, having this language in the form adds to the rule, and is basically thus further rulemaking in the cloak of modifying the form.</p>  | <p>See above response.</p>   |
|  |           |          | <p>iv. If the Council wishes to maintain this language on the form, it seems it would be useful to amend CRC 8.36 to reflect this requirement as well.</p>  | <p>See above response. Amending rule 8.63 is outside the scope of the instant proposal.</p>  |

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|    | Commenter  | Position | Comment   | Committee Response   |
|----|--|----------|---|--|
|    |  |          | <p>(7) Have <b>no comment</b> on whether to adopt a mandatory form for EOTs in misdemeanor appeals.<br/>           a. We do not practice in misdemeanor appeals.</p>  | <p>The committee appreciates the feedback.</p>   |
|    |  |          | <p>FVAP is a State Bar-funded legal services support center and the only nonprofit organization in California dedicated to representing survivors of domestic violence and other forms of gender-based abuse in civil appeals for free. We are also funded by the California Office of Emergency Services to support domestic violence, sexual assault and human trafficking advocates who work directly with self-represented litigants seeking protection or other relief from the court system. FVAP is devoted to ensuring survivors can live in healthy, safe environments, free from abuse. This includes ensuring appellate procedures and rules are straightforward enough to follow for parties without representation, which includes most survivors.</p> | <p>No response necessary.</p>  |
|    |  |          | <p>In conclusion, we support much of this proposal but have further points for consideration as noted above, and additional suggestions. *[contact information removed]</p>   | <p>The committee appreciates the feedback.</p>   |
| 5. | <p>Fourth District Court of Appeal, Division One<br/>           by Karen M. Harkins, Managing Attorney</p> | AM       | <p>Thank you for the opportunity to comment on Proposed Rule SPR24-02. Running the due date for the Civil Case Information Statement from the time the Court of Appeal receives and assigns a case number to a new civil notice of appeal would</p>   | <p>The committee appreciates the feedback and notes the commenter’s support for the proposal’s amendment to the due date for the Civil Case Information Statement.</p> |

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|  | Commenter | Position | Comment   | Committee Response   |
|--|-----------|----------|---|--|
|  |           |          | benefit the court because it would improve efficiency by making compliance for appellants easier. This change has minimal impact to court operations, and it can be implemented within three months.  |  |
|  |           |          | This proposed rule also revises item 2 of part II of form APP-004 (the Civil Case Information Statement) by changing language on the form, asking appellants to explain why the appeal is eligible for, rather than entitled to, calendar preference. The executive summary explains the purpose of this change is to allow appellants an opportunity to share situations “where the court should exercise discretion to grant preference on nonstatutory grounds.” | No response required.  |
|  |           |          | While the court is open to receiving this information, it is not clear what benefit this change provides. California Rule of Court, rule 8.240 governs calendar preference. It requires parties seeking calendar preference to “promptly serve and file a motion for preference in the reviewing court.” The associated advisory comment clarifies that the rule is broad in scope, and parties may file a motion based on nonstatutory grounds.                    | The committee appreciates the feedback.  |
|  |           |          | The revision to item 2 may create confusion, particularly with parties appearing in propria persona, who may be unaware that simply including this information will not, in itself, allow   | The committee appreciates the feedback.<br><br>Item 2 in the <i>Civil Case Information Statement</i> does not replace the requirement that a party |

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|  | Commenter | Position | Comment   | Committee Response  |
|--|-----------|----------|---|---|
|  |           |          | <p>the court to “exercise discretion to grant preference on nonstatutory grounds.” It is not clear how the court should use the information when an appellant offers a nonstatutory basis for calendar preference, because including the information does not replace the rule 8.240’s requirements. Instead, this change may create confusion: If an appellant indicates a reason for preference on this form, how should the respondent view that information? Would parties treat information the form as triggering the timeline for opposition to calendar preference? If parties treat the statement as a request for court action, it would require the court to address the requests that do not comply with court rules. That would also potentially require the parties to duplicate their efforts.</p> | <p>seeking calendar preference promptly serve and file a motion seeking such preference. However, as the advisory committee comment to rule 8.240 recognizes, that rule does not “bar the court from ordering preference without a motion when the ground is apparent on the face of the appeal.”</p> <p>In cases where the grounds for preference are clear on the face of the appeal, item 2 helps ensure that the case is properly given case preference or priority. In cases where the litigant believes there is a nonstatutory or discretionary ground for calendar preference, item 2 still notifies the Court of Appeal that there may potentially be a basis for calendar preference.</p> <p>To alleviate any confusion, the committee is recommending that item 2 be revised to include the following statement: “A party seeking calendar preference or priority on a non-statutory or discretionary ground must promptly serve and file in the Court of Appeal a motion for preference, see Cal. Rules of Court, rule 8.240.” Amending rule 8.240 or its advisory committee comment are outside the scope of the instant proposal.</p> |
|  |           |          | <p>If the proposed language change occurs, we suggest including language on the form clarifying that including such information on the form will not result in calendar preference where the eligibility is not based on nonstatutory grounds, with a reference to California Rules of Court, rule 8.240. It may also be helpful to revise the</p>  | <p>See above response.</p>  |

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|    | Commenter                           | Position | Comment   | Committee Response  |
|----|-------------------------------------|----------|---|---|
|    |                                     |          | advisory comment to rule 8.240 to state that parties must file a motion for preference in the reviewing court even if the Civil Case Information Statement includes an explanation for why the appeal is eligible for calendar preference or priority.  |   |
| 6. | Rebecca P. Jones<br>Attorney at Law | N        | <p>I am attorney licensed to practice in California since 1992. I have been handling indigent criminal matters for my entire career and have been specializing in criminal appeals in the state courts since approximately 2002.</p> <p>I received notice that the committee is considering instituting a rule that would require counsel in criminal matters to use a Judicial Council fillable .pdf form to apply for extensions of time to file their briefs. I oppose this rule and would like to explain why.</p> <p>The only court in which I have practiced recently that prefers that we use a fillable .pdf form to request extensions of time is the Fifth Appellate District. I also practice – at least until recently, when I took a nearly full-time job at CAP-SF – in the Second, Fourth, and Third Appellate Districts. Those other districts have allowed me to submit applications for extensions of time in a variety of different formats. Every application I submit has a place for me to include crucial information about the amount of work I</p> | <p>No response necessary.</p> <p>The committee appreciates the feedback and notes the commenter’s opposition to the part of the proposal that would make the Judicial Council’s extension of time forms mandatory.</p> <p>The committee appreciates the feedback.</p> |

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|  | <b>Commenter</b> | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b> |
|--|------------------|-----------------|--|---------------------------|
|  |                  |                 | have completed on the case and my reasons for needing additional time to file a brief. |                           |



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|--|--|---|---|
|  |  | <p>Every time I have tried to use the fillable form available on the Fifth Appellate District's website, I have run into problems printing it or saving it so that I can submit it through TrueFiling. Frequently, I end up trying to find an old .pdf that was functional for another case and using my editing tools within Acrobat to change the dates, names, and other relevant information. Trying to find work-arounds to deal with the lack of functionality in the online fillable form takes approximately twice the amount of time I normally have to spend writing an application for extension of time and getting it filed.</p> <p>Right now I downloaded the form from the Fifth Appellate District's website, and I could not fill in the names of the Appellant and Respondent on page 2. Then, when I tried to use the "Print this Form" button and selected "Adobe PDF" as the file format, it turned into an unusable .txt file. These are problems I have had with using this form for a number of years. I have to keep playing around with various options until I get a correctly filled-in form that is saved in the correct .pdf format so I can file it.</p> <p>If the Judicial Council is going to insist on us using a fillable form, rather than any other format for requesting extensions of time, it should provide us with a functional form that can actually print as a .pdf and that allows us to fill in all the relevant fields. Further, I think that the vast majority of attorneys have been able to provide relevant and critical information regarding their requests for</p> | <p>The committee appreciates the feedback. Staff has ensured that the extension of time forms are functional and the user can save the forms on their computer and print the form properly.</p> <p>The committee has decided not to recommend that the Council's extension of time forms be made mandatory. The committee believes that leaving the forms optional will help ensure that all parties and attorneys are able to efficiently access the courts and request an extension of time to file their briefs without encountering technology-based problems or inconveniences. This will also help ensure that otherwise valid requests for extensions of time will not be rejected simply because the form was not used.</p> |
|--|--|---|---|

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|  |  |  | extensions of time filed in other formats. The proposed change is also unnecessary |  |
|--|--|--|--|--|

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|    | Commenter  | Position | Comment  | Committee Response  |
|----|--|----------|--|---|
| 7. | Superior Court of Los Angeles County<br>by Bryan Borys, Director of Research and Data Management | A        | <p>The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.</p> <p>The Court agrees with proposal SPR24-02, “Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time” and its stated purpose.</p> <p>In addition to this proposal, the Court suggests amendments to rule 8.927 to require infraction appellants to use the mandatory form. Rule 8.925 is authority for infraction litigants to seek an extension of time to file a brief. However, it is not clear that it can authorize the court to require an infraction litigant to use the mandatory form.</p> | <p>No response necessary.</p> <p>The committee appreciates the feedback and notes the commenter’s support for the proposal.</p> <p>Amending rule 8.927 is outside the scope of this proposal. The committee may consider whether to recommend adoption of an extension of time form for use in infraction appeals in the future as time and resources allow.</p> <p>In addition, the committee has decided not to recommend that the Council’s extension of time forms be made mandatory. The committee believes that leaving the forms optional will help ensure that all parties and attorneys are able to efficiently access the courts and request an extension of time to file their briefs without encountering technology-based problems or inconveniences. This will also help ensure that otherwise valid requests for extensions of time will not be rejected simply because the form was not used.</p> |

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|    | <b>Commenter</b>                            | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b> |
|----|---|-----------------|--|---------------------------|
| 8. | Michael M. Ward<br>Retired Disabled Veteran | AM              | *[The comment addresses the details of a specific case and does not address any of the issues in the proposal and is not included in the comment chart.] | No response necessary.    |