

Invitation to Comment

Title	Appellate Procedure: <i>Civil Case Information Statement</i> (revise form APP-004)
Summary	This proposal would revise the <i>Civil Case Information Statement</i> (form APP-004) to include an additional circumstance in which service on the Attorney General is required.
Source	Appellate Advisory Committee Hon. Kathryn Doi Todd, Chair
Staff	Heather Anderson, Committee Counsel, 415-865-7691, heather.anderson@jud.ca.gov
Discussion	In civil appeals in the Court of Appeal, the appellant is required to file a <i>Civil Case Information Statement</i> (form APP-004) shortly after filing the notice of appeal. This statement provides the Court of Appeal with important information about the appeal. Among other things, this form includes a list of statutes that require service of appellate briefs or petitions on the Attorney General or other public agencies. This proposal would add another statute to this list—Business and Professions Code section 16750.2—which requires service of notices of appeal and petitions on the Attorney General in specified antitrust actions. It would also amend the descriptions of this list to indicate the list encompasses not only statutes that require service of appellate briefs or petitions, but also notices of appeal.
	Attachment

CIVIL CASE INFORMATION STATEMENT	Court of Appeal Case Number <i>(if known)</i> :
COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____	FOR COURT USE ONLY
ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address)</i> : _____	
TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	
APPELLANT: RESPONDENT:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
JUDGES <i>(all who participated in case)</i> :	Superior Court Case Number:
<p>NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 10 days after the clerk mails you a notice that this form must be filed. You must attach to this form (1) 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") and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY 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

A. APPEALABILITY

1. 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)*:

2. 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:

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

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

Date motion filed: ____/____/____ Date denied: ____/____/____ Date denial served: ____/____/____
4. Date notice of appeal or cross-appeal filed: ____/____/____

C. 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:	SUPERIOR COURT CASE NUMBER:
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D. APPELLATE CASE HISTORY *(Provide additional information, if necessary, on attachment I.D.)*
 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.:

E. 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.*

- | | |
|---|---|
| <input type="checkbox"/> Rule 8.29
<input checked="" type="checkbox"/> Bus. & Prof. Code, §16750.2 (Antitrust)
<input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act)
<input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising)
<input type="checkbox"/> 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)
<input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing) | <input type="checkbox"/> Code Civ. Proc. , § 1355 (Escheat)
<input type="checkbox"/> Gov. Code § 946.6 (d) (Actions against public entities)
<input type="checkbox"/> Gov. Code, § 4461 (Disabled access to public buildings)
<input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act)
<input type="checkbox"/> Health & Saf. Code, § 19954.5 (Accessible seating and accommodations)
<input type="checkbox"/> Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations)
<input type="checkbox"/> Pub. Resources Code § 21167.7 (CEQA)
<input type="checkbox"/> Other <i>(please specify statute)</i> : |
|---|---|

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

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

1. Conservatorship
2. Contract
3. Eminent domain
4. Equitable action a. Declaratory relief b. Other *(describe)*:
5. Family law
6. Guardianship
7. Probate
8. Real property rights a. Title of real property b. Other *(describe)*:
9. Tort
 - a. Medical malpractice
 - b. Product liability
 - c. Other personal injury
 - d. Personal property
 - e. Other tort *(describe)*:
10. Trust proceedings
11. Writ proceedings in superior court
 - a. Mandate (Code Civ. Proc., § 1085)
 - b. Administrative mandate (Code Civ. Proc., § 1094.5)
 - c. Prohibition (Code Civ. Proc., § 1102)
 - d. Other *(describe)*:
12. Other action *(describe)*:

B. This appeal is entitled to calendar preference/priority on appeal *(cite authority)*:

PART III – PARTY AND ATTORNEY INFORMATION

Please attach to this form a list of all the parties and all their attorneys of record who will participate in the appeal. For the parties, include the following information: the party's name and his or her designation in the trial court proceeding (plaintiff, defendant, etc.). For the attorneys, include the following information: name, State Bar number, mailing address, telephone number, fax number, and e-mail address.

Date:

This statement is prepared and submitted by:

 (SIGNATURE OF ATTORNEY OR UNREPRESENTED PARTY)

Item SPR09-04 Response Form

Title: **Appellate Procedure: Civil Case Information Statement**
(revise form APP-004)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009
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Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.