

Clerk stamps date here when form is filed.

Appellant
(fill in the name of each party appealing)

v.

Respondent
(fill in the name of each party against whom the appeal is brought)

Appellate Division Case Number:

Trial Court Case Number:

Trial Court Judicial Officer:

Instructions

- This form is for use as the appellant's opening brief in a **limited civil case** appeal only. Do not use this form if this is a criminal case, this is an unlimited civil case, or there is a cross-appeal in this case.
- Before you fill in this form, review *How to Use Form APP-200 in Limited Civil Cases* (form _____). You can get form APP-200-INFO at any courthouse or county law library or online at _____
- You may attach additional pages as needed when answering an item by checking the box that states there is not enough space. These additional pages must meet the formatting requirements of California Rules of Court, rule _____. Your brief cannot be longer than 25 pages, including this form and any additional pages used to complete your answers.
- Fill out this brief and make a copy for each of the other parties and the trial court. Serve a copy of the completed form on each of the other parties and the trial court, and keep proof of this service. *Proof of Service* (form _____) or *Proof of Electronic Service* (form _____) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form _____) and on the Self-Help Guide to the California Courts website at _____
- 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.

1 Information About the Appellant

- a. Appellant (name): _____
 Your Lawyer (if you have one for this case):
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (If you are a lawyer filling this form out on behalf of your client, give your contact information and not your client's.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____



2 The Order Being Appealed as Stated in the Notice of Appeal

I am/My client is appealing (*check all that apply*):

- a. The final judgment in the trial court case.
- b. An order made after the final judgment in the case.
- c. An order changing or refusing to change the place of trial (venue).
- d. An order granting a motion to quash service of summons.
- e. An order granting a motion to stay or dismiss the action on the ground of inconvenient forum.
- f. An order granting a new trial.
- g. An order denying a motion for judgment notwithstanding the verdict.
- h. An order granting or dissolving an injunction or refusing to grant or dissolve an injunction.
- i. An order appointing a receiver.
- j. Other action (*please describe, write the date that the trial court took the action you are appealing, and explain why it is appealable*):

3 Timeliness of Appeal

- 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 [8.822](#):
- c. Was a notice of intention to move for new trial, a motion for judgment notwithstanding the verdict, a motion for reconsideration, or a motion to vacate the judgment made and denied? Yes No
 - (1) If yes, please specify the type of motion:
 - (2) Date motion filed:
Date motion denied:
Date denial served:
- d. Date you filed the notice of appeal:

4 Other Appeals

Has there been another appeal in this same case? Yes No

If yes, list the case number for each appeal and the date of the decision in that prior appeal. Include all appeals in the case, whether or not all appeals have finished.



5 What Are the Facts of This Case?

Discuss the facts of the dispute between you and the opposing party that are important to the arguments you are making to the appellate division. You may discuss only facts that were presented to the trial court. For each fact you mention, cite the page or pages of the record where it shows that the fact was presented to the trial court. Read item 11 on *How to Use Form APP-200 in Limited Civil Cases* (form APP-200-INFO) before filling out this section.

- Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 5" at the top.

6 What Happened in the Trial Court?

Describe the proceedings in the trial court. When referring to a specific document (such as the complaint, a motion, or an order), cite to the page of the record where that document can be found.

a. In the trial court, you or your client was the (*check one*):

- Plaintiff (the party who filed the complaint in the case).
 Defendant (the party against whom the complaint was filed).

b. What legal claims did the plaintiff make in the complaint? (*For example, a claim for negligence, breach of contract, violation of civil rights, or employment discrimination*):

- Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write “Attachment 6b” at the top.

c. What did the complaint ask the court to do? (*For example, order the defendant to pay damages*):

- Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write “Attachment 6c” at the top.

d. What legal arguments did the defendant make in response? These arguments can be found either in the answer to the complaint or in motions filed by the defendant. (*For example, the claims in the complaint were barred by the statute of limitations, there was no enforceable contract, or the facts do not support the legal claims in the complaint*):

- Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write “Attachment 6d” at the top.



- 6 e. Did the defendant file a cross-complaint? Yes No
If yes, describe the legal claims the defendant made in the cross-complaint and what the defendant asked the trial court to do:

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 6e" at the top.

- f. What did the trial court do? Describe what the order or judgment being appealed said and what, if anything, the order or judgment required the parties to do.

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 6f" at the top.

7 **Your Request of the Appellate Division of the Superior Court**

What would you like the appellate division to do? (For example, reverse the judgment or order on appeal, or send the case back to the court for more proceedings):

Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 7" at the top.



8 What Do You Think the Trial Court Did Wrong?

What do you think the trial court did wrong in deciding the case, and what law supports your arguments? Refer to facts presented to the trial court as well as the statutes, cases, court rules, or constitutions that support your arguments. You may, but do not have to, make more than one argument. Read item 14 on *How to Use Form APP-200 in Limited Civil Cases* (form APP-200-INFO) before filling out this section.

a. **Argument 1.** *(Include the law and/or facts that support your argument.)*

- Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 8a" at the top.*



- 8 b. **Argument 2 (Optional).** *(Include the law and/or facts that support your argument.)*
 Check here if there is not enough space for your answer. Continue your answer on an attached sheet of paper, and write "Attachment 8b" at the top.

- c. Check here to make additional arguments. Include these additional arguments on an attached sheet of paper, and write "Attachment 8c" at the top.

Date: _____

Type or print your name



Sign your name

Do not forget to serve this brief on the other parties and the trial court and to use a proof of service. See the instructions on page 1 of this brief.

