

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts  
Deborah Brown, Managing Attorney, 415-865-7667,  
deborah.brown@jud.ca.gov  
Susan R. McMullan, Senior Attorney, 415-865-7990,  
susan.mcmullan@jud.ca.gov

DATE: September 17, 2009

SUBJECT: Rules and Forms: Miscellaneous Technical Changes (amend Cal. Rules of Court, rules 2.258, 8.104, 8.130, 8.212, 8.910, 8.1005, and 10.54; and revise forms ADR-103, APP-015/FW-015-INFO, APP-016/FW-016, DV-101, FW-007, FW-008, GC-340, SUBP-010, and SUM-140)  
(Action Required)

Issue Statement

Various Judicial Council advisory committee members, court personnel, members of the public, and Administrative Office of the Courts (AOC) staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule and statute name and numbering systems. It is therefore necessary to make technical changes to the rules and forms noted below.

Recommendation

The AOC recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective January 1, 2010:

1. Amend rule 2.258(b) to correct a reference from Government Code “section 68511.3” to “sections 68630–68641”;
2. Amend the advisory committee comment to rule 8.104 to correct a rule reference from “8.408” to “8.308”;
3. Amend rule 8.130(b)(2) to correct an internal subdivision reference from “(d)(2)” to “(d)(1)”;

4. Amend rule 8.212(b)(3) to correct a reference from “8.200(c)(5) or (6)” to “8.200(c)(6) or (7)”;
5. Amend rule 8.910(b) to change a reference to “the People” to “respondent” and to delete the reference to “counsel for the appellant” because there is already a reference to “the appellant”;
6. Amend rule 8.1005(c) to correct a rule reference from “8.708” to “8.888”;
7. Amend rule 10.54(b)(3) to delete the word “traffic” and specify “juvenile hearing officer” instead of “juvenile traffic hearing officer” for consistency with the amendment of Welfare and Institutions Code section 255;
8. Revise form APP-015/FW-015-INFO to reflect California Government Code section 68511.3(a)(6)(B) and update the table on page 1 has been updated to reflect recently revised federal poverty guidelines;
9. Revise forms APP-016/FW-016, FW-007, and FW-008 to remove the notation at the top that the forms are confidential. The notation that the documents are confidential was inadvertently included on the forms although neither the fee waiver statutes (Gov. Code, §68630 et seq.) nor California Rules of Court, rule 3.50 et seq., provide that the forms, a notice of a hearing, and two orders on fee waiver applications be issued confidentially; and
10. Revise form SUM-140 to delete the first introductory sentence (in both English and Spanish), which states that the party has 30 days to respond to the suit, although under the law, and as stated correctly in the next line on the form, a party has only 10 days to respond to a complaint to enforce a storage lien.

The AOC recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2010:

1. Revise form ADR-103, item 3.b.2, to correct “petitioner” to “respondent”;
2. Revise form DV-101, the first item, by deleting a reference to “item 21”;
3. Revise form GC-340, item 9 on page 2, to correct a reference from item “27” to “28”;  
and
4. Revise form SUBP-010, to delete a reference “Civil Code § 15(a)(e)” in the footer on the bottom right of page 1.

The text of the amended rules is attached at pages 4–6. The revised forms are attached at pages 7–24.

### Rationale for Recommendation

The changes to these rules and forms are technical in nature and necessary to correct inadvertent omissions, typographical errors, and language inconsistencies and to implement legislation and changes in the rule name and numbering system.

### Alternative Actions Considered

The proposed actions are necessary for proper organization and accuracy. No alternative actions were considered.

### Comments From Interested Parties

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

### Implementation Requirements and Costs

The proposed revisions will result in standard reproduction costs.

Attachments



Rules 2.258, 8.104, 8.130, 8.212, 8.910, 8.1005 and 10.54 of the California Rules of Court, are amended effective January 1, 2010, to read:

1 **Rule 2.258. Payment of filing fees**

2  
3 (a) \* \* \*

4  
5 (b) **Fee waivers**

6  
7 Eligible persons may seek a waiver of court fees and costs, as provided in  
8 Government Code sections ~~68511.3~~ 68630–68641, rule 2.252(c), and  
9 division 2 of title 3 of these rules.

10  
11 **Rule 8.104. Time to appeal**

12  
13 (a)–(f) \* \* \*

14  
15 **Advisory Committee Comment**

16  
17 **Subdivision (a).** \* \* \*

18  
19 **Subdivision (b).** Subdivision (b) is declarative of the case law, which holds that the reviewing  
20 court lacks jurisdiction to excuse a late-filed notice of appeal. (*Hollister Convalescent Hosp., Inc.*  
21 *v. Rico* (1975) 15 Cal.3d 660, 666–674; *Estate of Hanley* (1943) 23 Cal.2d 120, 122–124.)

22  
23 In criminal cases, the time for filing a notice of appeal is governed by rule ~~8.408~~ 8.308 and by the  
24 case law of “constructive filing.” (See, e.g., *In re Jordan* (1992) 4 Cal.4th 116; *In re Benoit*  
25 (1973) 10 Cal.3d 72.)

26  
27 **Rule 8.130. Reporter’s transcript**

28  
29 (a) \* \* \*

30  
31 (b) **Deposit or substitute for cost of transcript**

32  
33 (1) \* \* \*

34  
35 (2) If the reporter believes the deposit is inadequate, within 15 days after  
36 the clerk mails the notice under (d)~~(2)~~(1) the reporter may file with the  
37 clerk and mail to the designating party an estimate of the transcript’s  
38 total cost, showing the additional deposit required. The party must  
39 deposit the additional sum within 10 days after the reporter mails the  
40 estimate.

41  
42 (3) \* \* \*

1 (c)–(g) \* \* \*

2  
3 **Rule 8.212. Service and filing of briefs**

4  
5 (a) \* \* \*

6  
7 (b) **Extensions of time**

8  
9 (1)–(2) \* \* \*

10  
11 (3) Before the brief is due, a party may apply to the presiding justice for an  
12 extension of each period under (a), or under rule 8.200(c)(~~5~~)(6) or  
13 (~~6~~)(7), on a showing that there is good cause and that:

14  
15 (A)–(B) \* \* \*

16  
17 (4) \* \* \*

18  
19 (c) \* \* \*

20  
21 **Rule 8.910. Normal record on appeal**

22  
23 (a) \* \* \*

24  
25 (b) **Stipulation for limited record**

26  
27 If before the record is certified, the appellant, ~~or counsel for the appellant,~~  
28 and the ~~People~~ respondent stipulate in writing that any part of the record is  
29 not required for proper determination of the appeal and file the stipulation in  
30 the trial court, that part of the record must not be prepared or sent to the  
31 appellate division.

32  
33 **Rule 8.1005. Certification**

34  
35 (a)–(b) \* \* \*

36  
37 (c) **Finality of appellate division judgments**

38  
39 An appellate division judgment is final in that court as provided in rule ~~8.708~~  
40 8.888.

41  
42 (d)–(f) \* \* \*

1 **Rule 10.54. Traffic Advisory Committee**

2

3 (a) \* \* \*

4

5 (b) **Membership**

6

7 The committee must include at least one member from each of the following  
8 categories:

9

10 (1)-(2) \* \* \*

11

12 (3) Juvenile traffic hearing officer;

13

14 (4)-(7) \* \* \*



## INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES (SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called "waiving" these fees).

Who can get their court fees waived?

The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal, Food Stamps, SSI or SSP, County Relief/General Assistance, IHSS (In-Home Supportive Services), CalWORKS, Tribal Temporary Assistance for Needy Families, or CAPI (Cash Assistance Program for Aged, Blind, and Disabled).
- **You have a low income level.** Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,128.13	3	\$1,907.30	5	\$2,686.46
2	\$1,517.71	4	\$2,296.88	6	\$3,076.05

*If more than 6 people at home, add \$389.59 for each extra person.*

- **You do not have enough income to pay for your household's basic needs *and* your court fees.**

What fees and costs will the court waive?

If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, or a petition for review and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk's transcript.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. If you are represented by a lawyer in your appeal, a special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See Business and Professions Code sections 8030.2 and following for more information about this fund.) However, there is no financial help available for parties who are not represented by lawyers. 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 preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), your fee for filing a notice of appeal and your costs for the clerk's transcript are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES  
(SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **Appeal in Other Civil Cases.** If you are the appellant (the party who is appealing) in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; your costs for the clerk's transcript are already waived, just give the court a copy of your current fee waiver). The completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent (a party other than the appellant in a case that is being appealed) and the trial court already issued an order waiving your court fees *and that fee waiver has not ended*, your costs for the clerk's transcript are already waived; just give the trial court a copy of your current fee waiver. If you have not already received a fee waiver in the case or you had a fee waiver but it ended, to request waiver of the fee for a copy of the clerk's transcript, you must complete a *Request to Waive Court Fees* (form FW-001) and file it in the trial court with your request for a copy of the transcript. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). The completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office.
- **Petition for Review.** If you want to request that the Supreme Court waive the fee for filing a petition for review, you must complete a *Request to Waive Court Fees* (form FW-001). You should submit the completed form with your petition for review.

For more information about appeals and writ proceedings, see *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO), *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001), and *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO).

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

Clerk stamps date here when form is filed.

**1 Person who asked the court to waive court fees:**

Name: \_\_\_\_\_  
Street address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone number: \_\_\_\_\_

**2 Lawyer, if person in 1 has one: (Name, address, phone number, e-mail, and State Bar number):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3 On (date):** \_\_\_\_\_ you filed a *Request to Waive Court Fees* (form FW-001).

**4 The court reviewed your request and makes the following order:**

a.  The court **grants** your request and waives your court fees and costs listed below. You do not have to pay fees for the following:

- Filing notice of appeal, petition for writ, or petition for review
- Other (*specify*): \_\_\_\_\_

b.  The court **denies** your request for the following reasons:

(1)  Your request is incomplete. You have **10 days** from the date this notice was sent to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

\_\_\_\_\_  
\_\_\_\_\_

(2)  The information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): \_\_\_\_\_  
\_\_\_\_\_

You have **10 days** from the date this notice was sent to:

- Pay your fees and costs, or
- File more information that shows you are eligible.

(3)  The court finds there is substantial question regarding your eligibility (*describe issue regarding eligibility*): \_\_\_\_\_  
\_\_\_\_\_

You have **10 days** from the date this notice was sent to:

- Pay your fees and costs, or
- File the following additional documents to support your request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Court of Appeal or Supreme Court Case Number:**  
  
**Appellate District, Division Number:**

**Warning!** If you miss the deadline for paying your fees and costs or providing the additional items required by the court and you are the appellant, your appeal may be dismissed.

Court of Appeal/  
Supreme Court Case Name: \_\_\_\_\_

**Court of Appeal/Supreme Court  
Case Number:**

④ c.  The court needs more information. **You must go to court** on the date below.

**Hearing  
Date**

➤ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_

Name and address of the court if different from page 1:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bring the following proof to support your request, if it is reasonably available:

\_\_\_\_\_  
\_\_\_\_\_

**Warning!** If item ④ c. is checked and you do not go to court on your hearing date, the court will deny your request to waive court fees and you will have **10 days** to pay your fees. If you are the appellant and you do not pay your filing fees, your appeal may be dismissed.

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

Signature of (check one):  *Judicial Officer*  *Clerk, Deputy*

Clerk stamps date here when form is filed.

**1 Person who asked for the hearing:**

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

Street or mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

**2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3 The court received your request for a hearing about your court fees on (date):** \_\_\_\_\_**Read this form carefully. All checked boxes  are court orders.**

- 4**  The court grants your request for a hearing on your eligibility for a fee waiver. **Go to your court hearing** on the date below. You may bring information about your financial situation to the hearing.

Fill out court name and street address:

**Superior Court of California, County of**

Fill in case number and case name:

**Case Number:** \_\_\_\_\_**Case Name:** \_\_\_\_\_**Hearing  
Date** →

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name and address of court if different from above: \_\_\_\_\_

Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_ \_\_\_\_\_

**5**  The court **denies** your request for a hearing because (check all that apply):

- a.  The hearing request was not filed within ten days after the clerk gave notice of the denial of the request for a fee waiver. (Government Code section 68634(g).)
- b.  No request to waive fees has been denied by the court in your action.
- c.  Other (explain): \_\_\_\_\_

Date \_\_\_\_\_

Signature of (check one):  Judicial Officer  Clerk, Deputy**Request for Accommodations:** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410.**Clerk's Certificate of Service**I certify that I am not involved in this case and (check one):  A certificate of mailing is attached. I handed a copy of this notice to the party and attorney, if any, listed in 1 and 2, at the court, on the date below. This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from (city): \_\_\_\_\_, California on the date below.

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

Clerk, by \_\_\_\_\_, Deputy



Clerk stamps date here when form is filed.

**1 Person who asked the court to waive court fees:**

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

Street or mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**3 A request to waive court fees was filed (date):** \_\_\_\_\_**4 There was a hearing on (date):** \_\_\_\_\_  
**at (time):** \_\_\_\_\_ **in (Department):** \_\_\_\_\_

The following people were at the hearing (check all that apply):

 Person in 1  Lawyer in 2 Others (names): \_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number and name:

**Case Number:****Case Name:****Read this form carefully. All checked boxes  are court orders.****Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.**5 After reviewing your (check one):**  Request to Waive Court Fees  Request to Waive Additional Court Fees  
**the court makes the following order:**a.  The court **grants** your request and waives your court fees and costs as follows:(1)  **Fee Waiver.** The court **grants** your request and waives your court fees and costs listed below (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's daily fee (*for up to 60 days after the grant of the fee waiver, at the court-approved daily rate*)
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearing

(2)  **Additional Fee Waiver.** The court **grants** your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Reporter's daily fees (*beyond the 60-day period after grant of the fee waiver, at court-approved daily rate*)
- Other (*specify*): \_\_\_\_\_
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

(3)  **Fee Waiver for Appeal.** The court **grants** your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 8.26 and 8.818.*) You do not have to pay for the checked items.

- Preparing and certifying clerk's transcript for appeal
- Other (*specify*): \_\_\_\_\_

<b>Case Name:</b> _____	<b>Case Number:</b> _____
-------------------------	---------------------------

- b.  The court **denies** your request and **will not waive or reduce** your fees and costs.
- (1) The reason for this denial is as follows:
- (a)  Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*): \_\_\_\_\_
- (b)  You did not go to court on the hearing date to provide the information the court needed to make a decision.
- (c)  The information you provide shows that you are not eligible for the fee waiver you requested because (*check all that apply*):
- i.  Your income is too high.
- ii.  Other (*explain*): \_\_\_\_\_
- (d)  There is not enough evidence to support a fee waiver.
- (e)  Other (*state reasons*): \_\_\_\_\_
- (2)  You may pay some court fees and costs over time. You may make monthly payments of \$ \_\_\_\_\_ beginning (*date*): \_\_\_\_\_ and then payable on the 1st of each month after that, until the fees checked below are paid in full:
- (a)  Filing fees.
- (b)  Other (*describe*): \_\_\_\_\_
- You must pay all other court fees and costs as they are due.
- c.  The court **partially grants** your request so you can pay court fees without using money you need to pay for your household's basic needs. You are ordered to pay a portion of your fees, **as checked below**. The court only partially grants the request because (*state reasons for partial denial*): \_\_\_\_\_

- (1)  You must pay \_\_\_\_\_ % of your court fees.
- (2)  The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Filing papers at superior court<br><input type="checkbox"/> Sheriff's fee to give notice<br><input type="checkbox"/> Court-appointed interpreter<br><input type="checkbox"/> Reporter's daily fee up to 60 days after order<br><input type="checkbox"/> Jury fees and expenses<br><input type="checkbox"/> Court-appointed experts' fees<br><input type="checkbox"/> Making certified copies<br><input type="checkbox"/> Other ( <i>describe</i> ): _____ | <input type="checkbox"/> Giving notice and certificates<br><input type="checkbox"/> Sending papers to another court department<br><input type="checkbox"/> Court-appointed interpreter fees for a witness<br><input type="checkbox"/> Reporter's daily fees beyond the 60 days after initial order<br><input type="checkbox"/> Fees for a peace officer to testify in court<br><input type="checkbox"/> Court fees for telephone hearings |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- (3)  Other (*specify*): \_\_\_\_\_

**Warning! If b or c above are checked:** You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: \_\_\_\_\_ ▶ \_\_\_\_\_  
*Signature of Judicial Officer*

**Clerk's Certificate of Service**

I certify that I am not involved in this case and (*check one*):  A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): \_\_\_\_\_, California on the date below.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**SUMMONS  
(CITACION JUDICIAL)**

**STORAGE LIEN ENFORCEMENT**

**(CUMPLIMIENTO DE EMBARGO DE BIENES ALMACENADOS)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

You have 10 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*Tiene 10 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:  
(El nombre y dirección de la corte es):

CASE NUMBER:  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE:  
(Fecha)

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4.  by personal delivery on (date):



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> ): _____	<b>FOR COURT USE ONLY</b>          CASE NUMBER: _____
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<b>PETITION TO</b> <input type="checkbox"/> <b>CONFIRM</b> <input type="checkbox"/> <b>CORRECT</b> <input type="checkbox"/> <b>VACATE</b> <b>ATTORNEY-CLIENT FEE ARBITRATION AWARD</b>	
<b>Jurisdiction</b> ( <i>check all that apply</i> ): <input type="checkbox"/> <b>Action is a limited civil case</b> Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input type="checkbox"/> <b>Action is an unlimited civil case</b> (exceeds \$25,000)	
<b>NOTICE: Please read Alternative Dispute Resolution form ADR-105, <i>Information Regarding Rights After Attorney-Client Fee Arbitration</i>, promptly and before completing this form. There are short deadlines for requesting court relief after an attorney-client fee arbitration award. Do not use this form to reject a nonbinding attorney-client fee arbitration award and request a trial; use form ADR-104 instead.</b>	

1. **Petitioner and respondent.** Petitioner (*name each*):

alleges and requests relief against respondent (*name each*):

2. **Attorney-client fee dispute arbitration.** This petition is being filed after an attorney-client fee arbitration conducted under Business and Professions Code sections 6200–6206. Petitioner was

- a.  the attorney involved in the fee dispute.  
 b.  the client involved in the fee dispute.

3. **Pending or new action.**

- a.  A court case is already pending, and this is a petition filed in that action. (*If so, proceed to item 4.*)  
 b.  This petition commences a new action. (*If so, complete items 3b(1) through 3b(4).*)

- (1) **Petitioner's capacity.** Each petitioner named in item 1 is an individual,  
 except petitioner (*state name and complete one or more of the following*):  
 (a)  is a corporation qualified to do business in California.  
 (b)  is an unincorporated entity (*specify*):  
 (c)  is a representative (*specify*):  
 (d)  is (*specify other capacity*):

- (2) **Respondent's capacity.** Each respondent named in item 1 is an individual,  
 except respondent (*state name and complete one or more of the following*):  
 is a business organization, form unknown.  
 (b)  is a corporation.  
 (c)  is an unincorporated entity (*specify*):  
 (d)  is a representative (*specify*):  
 (e)  is (*specify other capacity*):

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. b. (3) **Amount or property in dispute.** This petition involves a dispute over *(check and complete all that apply)*:
- (a)  the following amount of money *(specify amount)*: \$
- (b)  property *(if the dispute involves property, complete both of the following)*:
- (i)  consisting of *(identify property in dispute)*:
- (ii)  having a value of *(specify value of property in dispute)*: \$
- (4) **Venue.** This court is the proper court because *(complete (a) or (b))*:
- (a)  this is the court in the county in which the arbitration was held.
- (b)  the arbitration was not held exclusively in any county of California, **and**
- (i)  this is the court in the county where the agreement was made.
- (ii)  this is the court in the county where the agreement is to be performed.
- (iii)  the agreement does not specify a county where it is to be performed and was not made in any county in California, and the following party resides or has a place of business in this county *(name of party)*:
- (iv)  the agreement does not specify a county where it is to be performed and was not made in any county in California, and no party to this action resides or has a place of business in California.
4. **Arbitrator.** The following person was duly selected or appointed as arbitrator *(name of each arbitrator)*:
5. **Arbitration hearing.** The arbitration hearing was conducted as follows *(complete both of the following)*:
- a. **Date** *(each date of arbitration)*:
- b. **Location** *(city and state where arbitration was conducted)*:
6. **Arbitration award.**
- a. **Date of award.** The arbitration award was made on *(date)*:
- b. **Terms of award.** The arbitration award *(complete one or more of the following)*:
- (1)  requires  the attorney  the client to pay the other party this amount: \$
- (2)  requires neither the attorney nor the client to pay the other anything.
- (3)  provides *(specify other terms or check item 6(c) and attach a copy of the award)*:
- c.  **Attachment of Award.** A copy of the award is submitted as Attachment 6(c).
7. **Notice of award.** The notice of the arbitration award indicates that it was mailed to petitioner on *(date)*:
8. **Binding award.** The arbitration award is binding because *(check all that apply)*:
- a.  after the fee dispute arose, the parties agreed in writing that the arbitration award would be binding.
- b.  more than 30 days have passed since notice of the award was mailed, and no party has filed a rejection of the award and request for trial.
9.  **Willful nonappearance.** Thirty days have not passed since notice of the award was mailed; however, respondent willfully failed to appear at the arbitration hearing. The award  does  does not refer to respondent's nonappearance.
10. **Petitioner requests that the court** *(check all that apply)*:
- a.  **Confirm the award and enter judgment according to it.**
- b.  **Correct the award and enter judgment according to the corrected award, as follows:**
- (1) The award should be corrected because *(check all that apply)*:
- (a)  the amount of the award was not calculated correctly, or a person, thing, or property was not described correctly.
- (b)  the arbitrator exceeded his or her authority.
- (c)  the award is imperfect as a matter of form.

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

10. b. (2) The facts supporting the grounds for correcting the award alleged in item 10b(1) are as follows (if additional space is required, check here  and submit facts on an attachment labeled 10b(2)):

(3) The award should be corrected as follows (if additional space is required, check here  and describe requested correction on an attachment labeled 10b(3)):

c.  **Vacate (cancel) the award.**

(1) The award should be vacated because (check all that apply):

- (a)  the award was obtained by corruption, fraud, or other unfair means.
- (b)  an arbitrator was corrupt.
- (c)  the misconduct of a neutral arbitrator substantially prejudiced petitioner's rights.
- (d)  the arbitrator exceeded his or her authority, and the award cannot be fairly corrected.
- (e)  the arbitrator unfairly refused to postpone the hearing or to hear evidence useful to settle the dispute.
- (f)  an arbitrator failed to disclose within the time for disclosure a ground for disqualification of which the arbitrator was then aware.
- (g)  an arbitrator should have disqualified himself or herself after petitioner made a demand to do so.

(2) The facts supporting the grounds for vacating the award alleged in item 10c(1) are as follows (if additional space is required, check here  and submit facts on an attachment labeled 10c(2)):

(3) Petitioner  does  does not request a new arbitration hearing.

d.  **Award petitioner interest** from (date):

- (1)  at the statutory rate.
- (2)  at the rate of \_\_\_\_ % per year.

e.  **Award petitioner costs of suit:**

- (1)  in the amount of: \$
- (2)  according to proof.

f.  **Award petitioner attorney fees incurred in this action** (attorney fees incurred in preparation for or in the course of the fee arbitration proceeding are not recoverable):

- (1)  in the amount of: \$
- (2)  according to proof.

g.  **Award petitioner the following other relief** (describe relief requested; if additional space is required, check here  and describe relief on an attachment labeled 10g):

11. **Pages and attachments.** Number of pages attached:

Date:

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

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





Your name: \_\_\_\_\_

**4 Describe other recent abuse.**

a. Date of other recent abuse: \_\_\_\_\_

b. Who was there? \_\_\_\_\_

c. What did the person in ② do or say to you that made you afraid? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Describe any use or threatened use of guns or other weapons. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e. Describe any injuries. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Did the police come?  No  Yes

If yes, did they give you an Emergency Protective Order?  Yes  No  I don't know

*Attach a copy if you have one.*

**5  Describe other abuse against you or your children.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*If you need more space, check the box and attach Form MC-020. Or attach a sheet of paper and write "DV- 101 — Description of Abuse" at the top.*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (Name): _____	CONSERVATEE
<b>ORDER APPOINTING</b> <input type="checkbox"/> <b>SUCCESSOR</b> <b>PROBATE CONSERVATOR OF THE</b> <input type="checkbox"/> <b>PERSON</b> <input type="checkbox"/> <b>ESTATE</b> <input type="checkbox"/> <b>Limited Conservatorship</b>	CASE NUMBER: _____

**WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.**

1. The petition for appointment of  successor conservator came on for hearing as follows (check boxes c, d, e, and f or g to indicate personal presence):
- a. Judicial officer (name): \_\_\_\_\_
  - b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.:  Room:
  - c.  Petitioner (name): \_\_\_\_\_
  - d.  Attorney for petitioner (name): \_\_\_\_\_
  - e.  Attorney for  person cited  the conservatee on petition to appoint successor conservator:  
 (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
 (Address): \_\_\_\_\_
  - f.  Person cited was  present.  unable to attend.  able but unwilling to attend.  out of state.
  - g.  The conservatee on petition to appoint successor conservator was  present.  not present.

**THE COURT FINDS**

- 2. All notices required by law have been given.
- 3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
- 4. (Name): \_\_\_\_\_
  - a.  is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
  - b.  is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
  - c.  has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
- 5. The conservatee
  - a.  is an adult.
  - b.  will be an adult on the effective date of this order.
  - c.  is a married minor.
  - d.  is a minor whose marriage has been dissolved.
- 6.  There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
 The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
- 7.  Granting the  successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
- 8.  The conservatee is not capable of completing an affidavit of voter registration.

Do NOT use this form for a temporary conservatorship.

CONSERVATORSHIP OF (Name): _____	CASE NUMBER: _____
CONSERVATEE	

9.  The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.
10.  Attorney (name): \_\_\_\_\_ has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ \_\_\_\_\_  
The conservatee has the ability to pay  all  none  a portion of this sum (specify): \$ \_\_\_\_\_
11.  The conservatee need not attend the hearing.
12.  The appointed court investigator is (name): \_\_\_\_\_  
(Address and telephone): \_\_\_\_\_
13.  (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14.  The  successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15.  The  successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
License no.: \_\_\_\_\_ Issuance or last renewal date: \_\_\_\_\_ Expiration date: \_\_\_\_\_
16. (Either a, b, or c must be checked):
- a.  The  successor conservator is not the spouse of the conservatee.
- b.  The  successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.
- c.  The  successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.  
It is in the best interest of the conservatee to appoint the spouse as  successor conservator.
17. (Either a, b, or c must be checked):
- a.  The  successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b.  The  successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- c.  The  successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as  successor conservator.

**THE COURT ORDERS**

18. a. (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
(Address): \_\_\_\_\_  
**is appointed**  successor  conservator  limited conservator of the PERSON of (name): \_\_\_\_\_  
and Letters of Conservatorship shall issue upon qualification.
- b. (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
(Address): \_\_\_\_\_  
**is appointed**  successor  conservator  limited conservator of the ESTATE of (name): \_\_\_\_\_  
and Letters of Conservatorship shall issue upon qualification.
19.  The conservatee need not attend the hearing.
20. a.  Bond is not required.
- b.  Bond is fixed at: \$ \_\_\_\_\_ to be furnished by an authorized surety company or as otherwise provided by law.
- c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location): \_\_\_\_\_  
and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in attachment 20c.

CONSERVATORSHIP OF (Name):  _____	CASE NUMBER:  _____
CONSERVATEE	

- 20. (cont.) d.  The  successor conservator is not authorized to take possession of money or any other property without a specific court order.
- 21.  For legal services rendered,  conservatee  conservatee's estate shall pay the sum of: \$  
to (name):  
 forthwith  as follows (specify terms, including any combination of payors):
  
- Continued in attachment 21.
- 22.  The conservatee is disqualified from voting.
- 23.  The conservatee lacks the capacity to give informed consent for medical treatment and the  successor conservator of the person is granted the powers specified in Probate Code section 2355.  
 The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
- 24.  The  successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24  subject to the conditions provided.
- 25.  Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
- 26.  Orders relating to the powers and duties of the  successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
- 27.  Orders relating to the conditions imposed under Probate Code section 2402 on the  successor conservator of the estate as specified in attachment 27 are granted.
- 28.  a.  The  successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
b.  The  successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
- 29.  Other orders as specified in attachment 29 are granted.
- 30.  The probate referee appointed is (name and address):
  
- 31.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
- 32.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
- 33.  (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
- 34.  This order is effective on the  date signed  date minor attains majority (specify):
- 35. Number of boxes checked in items 18–34: \_\_\_\_\_
- 36. Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</b>	CASE NUMBER:

**THE PEOPLE OF THE STATE OF CALIFORNIA, TO (*name, address, and telephone number of deponent, if known*):**

**1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:**

To ( <i>name of deposition officer</i> ): On ( <i>date</i> ): _____ At ( <i>time</i> ): _____ Location ( <i>address</i> ):	
<b>Do not release the requested records to the deposition officer prior to the date and time stated above.</b>	

- a.  by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
  - b.  by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
  - c.  by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. **The records to be produced are described as follows:**

Continued on Attachment 3.

**4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued:

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



\_\_\_\_\_  
(SIGNATURE OF PERSON ISSUING SUBPOENA)

(Proof of service on reverse)

(TITLE)

PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	CASE NUMBER:
----------------------------------------------------	--------------

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1)  Witness fees were paid.  
 Amount: ..... \$ \_\_\_\_\_

(2)  Copying fees were paid.  
 Amount: ..... \$ \_\_\_\_\_

f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (*date*):

3. Person serving:

- a.  Not a registered California process server.
- b.  California sheriff or marshal.
- c.  Registered California process server.
- d.  Employee or independent contractor of a registered California process server.
- e.  Exempt from registration under Business and Professions Code section 22350(b).
- f.  Registered professional photocopier.
- g.  Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

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

**(For California sheriff or marshal use only)**  
**I certify** that the foregoing is true and correct.

Date:

Date:

▶ \_\_\_\_\_  
 (SIGNATURE)

▶ \_\_\_\_\_  
 (SIGNATURE)