

**Invitation to Comment**

Title	Appellate Procedure: Service and Filing (adopt rule 8.817, amend rule 8.25, and approve forms <i>Proof of Service (Court of Appeal)</i> (form APP-009), <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO), <i>Proof of Service (Appellate Division)</i> (form APP-109), and <i>What Is Proof of Service?</i> (form APP-109-INFO))
Summary	This proposal would amend the rule addressing service and filing in the Supreme Court and Court of Appeal to recognize that there are exceptions to the general rule that documents are deemed filed when received by the clerk for certain documents mailed from prison. It would also establish a new rule for the superior court appellate division concerning service and filing of documents and would establish new forms that parties in appellate proceedings in the Court of Appeal and superior court appellate division could use for providing proof of service.
Source	Appellate Advisory Committee Hon. Kathryn Doi Todd, Chair
Staff	Heather Anderson, Committee Counsel, 415-865-7691, heather.anderson@jud.ca.gov
Discussion	<p><u>Rules on Service and Filing</u></p> <p>Rule 8.25 addresses service and filing of documents in the Supreme Court and Court of Appeal. Currently, there is no similar rule that addresses service and filing of documents in the superior court appellate division. This proposal calls for the adoption of a new rule, similar to rule 8.25, for the superior court appellate division.</p> <p>Rule 8.25(b)(2) provides that, with specified exceptions, a filing is not considered timely unless the clerk receives the document before the time to file it expires. There are, however, some limited exceptions to this general rule. For example, if the superior court clerk receives a notice of appeal in a criminal, juvenile, or conservatorship case or notice of intent in a juvenile dependency by mail from a custodial institution after the deadline for filing the notice has expired but the envelope shows that the notice was mailed or delivered to custodial officials for mailing before the deadline expired, the notice is deemed timely (see rules 8.308(e), 8.400(f), 8.450(e), 8.480(a), and 8.853(e),<sup>1</sup>).</p>

<sup>1</sup> Rule 8.853 was adopted by the Judicial Council on February 22, 2008 and will take effect on January 1, 2009. A copy of this rule can be accessed at <http://www.courtinfo.ca.gov/rules/amendments/jan2009.pdf>.

These provisions reflects the “prison delivery” rule articulated by the California Supreme Court in *In re Jordan* (1992) 4 Cal.4th 116. Rule 8.25 does not currently reflect this “prison delivery” exception. This proposal would amend rule 8.25 and its accompanying advisory committee comment to encompass this exception. It would also incorporate a similar exception in proposed new rule 8.817.

Proof of Service Forms

Both rule 8.25 and proposed new rule 8.817 provide that before filing any document, a party must serve, by any method permitted by the Code of Civil Procedure, one copy of the document on the attorney for each party separately represented, on each unrepresented party, and on any other person or entity when required by statute or rule. The party must also attach to the document presented for filing a proof of service showing the required service. To assist parties in providing the required proof of service, this proposal would establish new proof of service forms that could be used with any document that must be served and filed in a Court of Appeal and an appellate division proceeding and new information sheets about how to complete these proof of service forms.

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Attachment

Rule 8.817 of the California Rules of Court would be adopted, rule 8.25 would be amended, and forms APP-009, APP-009-INFO, APP-109, and APP-109-INFO would be approved, effective January 1, 2009, to read:

1 **Title 8. Appellate Rules**

2  
3 **Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

4  
5 **Chapter 1. General Provisions**

6  
7  
8 **Rule 8.25. Service and filing**

9  
10 **(a) \* \* \***

11  
12 **(b) Filing**

- 13  
14 (1) A document is deemed filed on the date the clerk receives it.
- 15  
16 (2) ~~Except as provided in (3)~~ Unless otherwise provided by these rules or other  
17 law, a filing is not timely unless the clerk receives the document before the  
18 time to file it expires.
- 19  
20 (3) A brief, a petition for rehearing, an answer to a petition for rehearing, a petition  
21 for review, an answer to a petition for review, or a reply to an answer to a  
22 petition for review is timely if the time to file it has not expired on the date of:  
23
- 24 (A) Its mailing by priority or express mail as shown on the postmark or the  
25 postal receipt; or
- 26  
27 (B) Its delivery to a common carrier promising overnight delivery as shown  
28 on the carrier's receipt.
- 29  
30 (4) The provisions of (3) do not apply to original proceedings.

31  
32 **Advisory Committee Comment**

33  
34 **Subdivision (a). \* \* \***

35  
36 **Subdivision (b)(2).** In general, to be filed on time, a document must be received by the clerk before the  
37 time for filing that document expires. There are, however, some limited exceptions to this general rule.  
38 For example, if the superior court clerk receives a notice of appeal in a criminal, juvenile, or  
39 conservatorship case or notice of intent in a juvenile dependency by mail from a custodial institution after  
40 the deadline for filing the notice has expired but the envelope shows that the notice was mailed or  
41 delivered to custodial officials for mailing before the deadline expired, the notice is deemed timely (see

1 rules 8.308(e), 8.400(f), 8.450(e), 8.480(a)). These provisions reflects the “prison delivery” rule  
2 articulated by the California Supreme Court in *In re Jordan* (1992) 4 Cal.4th 116.  
3  
4

5 **Division 2. Rules Relating to the Superior Court Appellate Division**

6  
7 **Chapter 1. General Rules Applicable to Appellate Division**  
8 **Proceedings**  
9

10  
11 **Rule 8.817. Service and filing**

12  
13 **(a) Service**

14  
15 (1) Before filing any document, a party must serve, by any method permitted by  
16 the Code of Civil Procedure, one copy of the document on the attorney for  
17 each party separately represented, on each unrepresented party, and on any  
18 other person or entity when required by statute or rule.

19  
20 (2) The party must attach to the document presented for filing a proof of service  
21 showing service on each person or entity required to be served under (1). The  
22 proof must name each party represented by each attorney served.

23  
24 **(b) Filing**

25  
26 (1) A document is deemed filed on the date the clerk receives it.

27  
28 (2) Except as provided in (3) and (5), a filing is not timely unless the clerk  
29 receives the document before the time to file it expires.

30  
31 (3) A brief, a petition for rehearing, or an answer to a petition for rehearing, is  
32 timely if the time to file it has not expired on the date of:

33  
34 (A) Its mailing by priority or express mail as shown on the postmark or the  
35 postal receipt; or

36  
37 (B) Its delivery to a common carrier promising overnight delivery as shown  
38 on the carrier’s receipt.

39  
40 (4) The provisions of (3) do not apply to original proceedings.

41  
42 (5) A notice of appeal in a misdemeanor case received by a superior court clerk by  
43 mail from a custodial institution is timely if the envelope shows that the notice

1                   was mailed or delivered to custodial officials for mailing before the time for  
2                   filing the notice expired.

3  
4                   **Advisory Committee Comment**

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6                   **Subdivision (a).** Subdivision (a)(1) requires service “by any method permitted by the Code of Civil  
7                   Procedure.” The reference is to the several permissible methods of service provided in Code of Civil  
8                   Procedure sections 1010–1020.

9  
10                   **Subdivision (b)(5).** Rule 8.853(e) provides that in a misdemeanor appeal, if the superior court clerk  
11                   receives a notice of appeal by mail from a custodial institution after the deadline for filing the notice has  
12                   expired but the envelope shows that the notice was mailed or delivered to custodial officials for mailing  
13                   before the deadline expired, the notice is deemed timely. This provision reflects the “prison delivery” rule  
14                   articulated by the California Supreme Court in *In re Jordan* (1992) 4 Cal.4th 116.

## INFORMATION SHEET FOR PROOF OF SERVICE (COURT OF APPEAL)

### GENERAL INFORMATION ABOUT SERVICE AND PROOF OF SERVICE

This information sheet provides instructions for completing *Proof of Service (Court of Appeal)* (form APP-009). This information sheet is not part of the proof of service and does not need to be copied, served, or filed.

Rule 8.25 of the California Rules of Court provides that before filing any document in court in a case in the Court of Appeal, a party must serve, by any method permitted by the Code of Civil Procedure, one copy of the document on the attorney for each party separately represented, on each unrepresented party, and on any other person or entity when required by statute or rule. Other rules specifically require that certain documents be served, including the notice of appeal and notice designating the record on appeal in civil appeals and briefs in both civil and criminal appeals.

To “serve” a document on a person means to have that document delivered to the person. The general requirements concerning service are set out in Code of Civil Procedure sections 1011–1013a. There are two main ways to serve documents: (1) by mail and (2) by personal delivery. Regardless of what method of service is used, the Code of Civil Procedure provides that a document in a court case can only be served by a person who is:

- Over 18 years of age; and
- Not a party in the court case.

If you are a party to the case, you must therefore have someone else who is over 18 and who is not a party to the case serve any documents in your case. You will need to give the person doing the serving (the server) the names and addresses of all those who must be served. You will also need to give the server one copy of each document that needs to be served for each person or entity that is being served.

Rule 8.25 also requires the party filing a document in the court to attach to the document presented for filing a proof of service showing the required service. *Proof of Service (Court of Appeal)* (form APP-009) may be used to provide this required proof of service in any proceeding in the Court of Appeal. Tell the server to follow the instructions below for completing the *Proof of Service (Court of Appeal)* (form APP-009) and to give you the original form when it is completed. You will need to attach this original proof of service to the document you are filing.

### INSTRUCTIONS FOR THE SERVER (THE PERSON WHO IS SERVING THE DOCUMENTS)

If you are serving a document for a party in a court case, it is your responsibility to prepare the proof of service. You can use *Proof of Service (Court of Appeal)* (form APP-009) to prepare this proof of service in any case in the Court of Appeal. The proof of service should be printed or typed. If you have Internet access, a fillable version of form APP-009 is available at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). You can fill out most of the form before you serve the document, but you should sign and date the form only after you have finished serving the document.

#### Complete the top section of *Proof of Service (Court of Appeal)* (form APP-009) as follows:

1. *First box, left side*: Check whether the document is being served by mail or by personal delivery.
2. *Third box, left side*: Print the name of the case in which the document is being filed, the Court of Appeal case number, and the superior court case number. Use the same case name and numbers as are on the top of the document that you are serving.
3. *Box, top of form, right side*: Leave this box blank for the court's use.

#### Complete items 1–3 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action.
2. Provide your home or business address.
3. Fill in the name of the document that you are serving.
  - a. If you are serving the document by mail, check box a. and BEFORE YOU SEAL AND MAIL THE ENVELOPE, fill in the following information:
    - (1) Check box (1)(a) if you will personally deposit the document with the U.S. Postal Service such as at a U.S. Postal Service Office or U.S. Postal Service mailbox;  
Check box (1)(b) if you will put the document in the mail at your place of business.
    - (2) Provide the date the documents are being mailed.

## INFORMATION SHEET FOR PROOF OF SERVICE (COURT OF APPEAL)

- (3) You are stating that you live or work in the county in which the document is being mailed. Provide the city and state from which the document is being mailed.
- (4) Provide the name and address of each person to whom you are mailing the document. If you need more space to list additional names and addresses, check the box under item (4) and attach a page listing them. At the top of the page, write "APP-009, Item 3a."

Once you have finished filling out these parts of the form, make one copy of *Proof of Service (Court of Appeal)* (form APP-009) with this information filled in for each person you are serving by mail and put this copy in the envelope with the document you are serving. Seal the envelope and mail the document as you have indicated on the proof of service.

- b. If you personally delivered the document, check box b. For a party represented by an attorney, delivery needs to be made by giving the document directly to the party's attorney or by leaving the document in an envelope or package clearly labeled to identify the attorney being served with a receptionist at the attorney's office or an individual in charge of the office. For a party, delivery needs to be made by giving the document directly to the party or by leaving the document at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening. Under b, you need to provide:
  - (1) The name of each person to whom you delivered the document;
  - (2) The address at which you delivered the document;
  - (3) The date on which you delivered the document; and
  - (4) The time at which you delivered the document.

If you need more space to list additional names, addresses, delivery dates and times, check the box under item b and attach a page listing this information. At the top of the page, write "APP-009, Item 3b."

At the bottom of the form, print your name, sign the form, and fill in the date on which you signed the form. **By signing, you are stating under penalty of perjury that all the information you have provided on *Proof of Service (Court of Appeal)* is true and correct.**

Give the original completed *Proof of Service* to the party for whom you served the document.

<b>PROOF OF SERVICE (Court of Appeal)</b> <input type="checkbox"/> Mail <input type="checkbox"/> Personal Service	<i>FOR COURT USE ONLY</i>
<b>Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form.</b>	
Case Name: Court of Appeal Case Number: Superior Court Case Number:	

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My  residence  business address is (*specify*):
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):

a.  **Mail.** I mailed a copy of the document identified above as follows:

(1) I enclosed a copy of the document identified above in an envelope **and**

(a)  **deposited** the sealed envelope with the U.S. 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 of 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 U.S. Postal Service, in a sealed envelope with postage fully prepaid.

(2) The document was mailed on (*date of mailing*):

(3) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (*city and state*):

(4) The envelope was addressed as follows:

(b) Name of person served:

(b) Address on envelope:

Names and addresses of additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

b.  **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

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 OF PERSON COMPLETING THIS FORM)

\_\_\_\_\_  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

**GENERAL INFORMATION****What does this information sheet cover?**

This information sheet tells you how to fill out *Proof of Service (Appellate Division)* (form APP-109). This information sheet is not part of the proof of service and does not need to be copied, served, or filed.

**1 What is “serving a document”?**

“Serving” a document on a person means having the document delivered to that person. The general requirements for serving documents are set out in California Code of Civil Procedure sections 1011–1013a (you can get a copy of these laws at any county law library or online at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)). There are two main ways to serve documents: (1) by mail and (2) by personal delivery.

When a document is served by mail, it must be put in a sealed envelope or package that is addressed to the person who is being served and that has the postage fully prepaid. The envelope then has to be deposited with the U.S. Postal Service by leaving it at a U.S. Postal Service office or mail drop or at an office or business mail drop where the person serving the document knows the mail is picked up every day and deposited with the U.S. Postal Service.

When a document is personally delivered to a party who is represented by an attorney, the document must either be given directly to the attorney representing that party, or the document can be placed in an envelope or package addressed to the attorney and left with the receptionist at the attorney’s office or with a person who is in charge of the attorney’s office. When a document is personally served on a party, the document must either be given directly to the party or the document can be given to someone who is at least 18 years old at the party’s residence between the hours of eight in the morning and six in the evening.

**2 What documents have to be served?**

Rule 8.817 of the California Rules of Court requires that before you file any document with the court in a case in the appellate division of the superior court, you must

serve one copy of the document on each of the other parties in the case and on anyone else when required by law (statute) or rule of court. Other rules require that certain documents in cases in the appellate division be served, including the notice of appeal and the notice designating the record on appeal in appeals in limited civil cases and briefs in all appeals (for more information about appeals in general and about these documents, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO), *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO), and *Information on Appeal Procedures for Infractions* (form CR-141-INFO)).

**3 Who can serve a document?**

State law (the Code of Civil Procedure) says that a document in a court case can only be served by a person who is:

- Over 18 years old; and
- Not a party in the court case

If you are a party in a case, **you must have someone else who is over 18 and who is not a party in your case serve any documents in your case for you.** You will need to give the person who is serving the document for you (the server) the names and addresses of all the people who need to be served with that document. You will also need to give the server one copy of each document that needs to be served for each person who is being served.

**4 What is proof of service?**

A “proof of service” shows the court that a document was served as required by the law. Rule 8.817 also requires a party who is filing a document with the court in a case in the appellate division to attach a proof of service to the document he or she wants to file. You can use *Proof of Service (Appellate Division)* (form APP-109) to give the court this proof of service in any case in the appellate division of the superior court. Tell the server to follow the instructions below for completing the *Proof of Service (Appellate Division)* (form APP-109) and to give you the original form when it is filled out and signed. You will need to attach this original proof of service to the document you want to file.



<b>INFORMATION FOR THE SERVER</b>
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**5 Who fills out the *Proof of Service*?**

If you are the server (the person who serves a document for a party in a court case), you must prepare and sign the proof of service. You can use *Proof of Service (Appellate Division)* (form APP-109) to prepare this proof of service in any case in the appellate division.

**6 How do I fill out *Proof of Service (Appellate Division)* (form APP-109)?**

You can fill out most of the information on *Proof of Service (Appellate Division)* (form APP-109) by copying the information from the document you are serving before you serve that document. However, you should not sign and date the form until after you have finished serving the document. **By signing this form, you are swearing, under penalty of perjury, that the information that you put in the form is true and correct.**

When you fill out the *Proof of Service (Appellate Division)* (form APP-109), you should print neatly or use a typewriter. If you have Internet access, you can fill out a *Proof of Service (Court of Appeal)* (form APP-009) online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) (use the “fillable” version of the form).

**Filling in the top section of form APP-109:**

First box, right side of form: Leave this box blank for the court’s use.

Second box, right side of form: Fill in the name of the county in which the case is filed and the street address of the court. You can copy this information from the first page of the document that you are serving. If the document you are serving is another Judicial Council form, this information will be in the second box on the right-hand side of the form.

Third box, right side of form: Fill in the trial court case name and number. You can copy this information from the first page of the document that you are serving. If the document you are serving is another Judicial Council form, this information will be in the third box on the right-hand side of the form.

Fourth box, right side of form: Fill in the appellate division case number, if you know it. If this number is available, it will be on the first page of the document that you are serving. If the document you are serving is another Judicial Council form, this number will be in the fourth box on the right-hand side of the form.

**Filling in Items 1–5:**

Items ① and ②: You are stating, under penalty of perjury, that you are over the age of 18 and that you are not a party in this court case.

Item ③: Provide your home or business address. This information is important because, if you serve the document by mail, you must live or work in the county from which the document was mailed.

Item ④: Check or fill in the name of the document that you are serving. If the document you are serving is another Judicial Council form, the name of the document is located on both the top and the bottom of the first page of the form. If the document you are serving is not a Judicial Council form, the name of the document should be on the top of the first page of the document.

a. If you are serving the document by mail, check box a. **BEFORE YOU SEAL AND MAIL THE ENVELOPE WITH THE DOCUMENT YOU ARE SERVING**, fill in the following parts of the form.

(1) You are stating, under penalty of perjury, that you are putting one copy of the document you identified in item 4 in an envelope addressed to each person listed in (2), sealing the envelope, and putting first-class postage on the envelope.

- (2) Fill in the name and address of each person to whom you are mailing the document. You can copy this information from the list of people to be served or the envelopes provided by the party for whom you are serving the document. If you need more space to list names and addresses, check the box under item (2) and attach a page listing them. At the top of the page, write “APP-109, Item 4a.”
- (3) Fill in the date you are mailing the document and the city and state from which you are mailing it. **REMEMBER:** You must live or work in the county from which the document is mailed.
- (a) Check box (3)(a) if you are personally depositing the document with the U.S. Postal Service, such as at a U.S. Post Office or U.S. Postal Service mailbox.
- (b) Check box (3)(b) if you are putting the document in the mail at your place of business.

Once you have finished filling out these parts of the form, make one copy of *Proof of Service (Appellate Division)* (form APP-109) with this information filled in for each person you are serving by mail. Put this copy of *Proof of Service (Appellate Division)* (form APP-109) in the envelope with the document you are serving. Seal the envelope and mail it as you have indicated on the *Proof of Service*.

- b. If you personally delivered the documents, check box b. Remember, when a document is personally delivered to a party who is represented by an attorney, the document must either be given directly to the party’s attorney or the document can be placed in an envelope or package addressed to the attorney and left with the receptionist at the attorney’s office or with a person who is in charge of the attorney’s office. When a document is personally served on a party, the document must either be given directly to the party or the document can be given to someone who is at least 18 years old at the party’s residence between the hours of eight in the morning and six in the evening.

For each person to whom you personally delivered the document:

- (a) Fill in the person’s name.
- (b) Fill in the address at which you delivered the document to this person.
- (c) Fill in the date on which you delivered the document to this person.
- (d) Fill in the time at which you delivered the document.

If you need space to list more names, addresses, delivery dates and times, check the box under b and attach a page listing this information. At the top of the page, write “APP-109, Item 4b.”

Item ⑤: At the bottom of the form, type or print your name, sign the form, and fill in the date that you signed the form. **By signing this form, you are stating under penalty of perjury that all the information you filled in on *Proof of Service (Appellate Division)* (form APP-109) is true and correct.**

After you have finished serving the document and filled in, signed, and dated *Proof of Service (Appellate Division)* (form APP-109), give the original completed form to the party for whom you served the document.

Clerk stamps date here when form is filed.

**Instructions**

- This form is only for providing proof that a document has been served (delivered) in a proceeding in the superior court appellate division.
- The person who serves (delivers) a document in this case and who fills out this form:
  - Must be at least 18 years old
  - Must NOT be a party in this case
- Before you fill out this form, read *What Is Proof of Service?* (form APP-109-INFO) to understand your responsibilities.

You fill in the name and street address of the court that issued the decision that is being challenged in this case:

**Superior Court of California, County of**

① At the time I served the documents listed in ④, I was at least 18 years old.

② I am not a party in the case identified in the box on the right side of this page.

You fill in the number and name of the trial court case in which the decision being challenged was issued:

③ My  home  business address is:

\_\_\_\_\_

Street City State Zip

**Trial Court Case Number:**

**Trial Court Case Name:**

④ I mailed or personally delivered the following document, as indicated below (*check or fill in the name of the document you are serving and check and complete either a or b*).

You fill in the appellate division case number (if you know it):

**Appellate Division Case Number:**

- Notice of Appeal/Cross Appeal (Limited Civil Case)
  - Notice Designating Record on Appeal (Limited Civil Case)
  - Proposed Statement on Appeal ( Limited Civil Case  Misdemeanor  Infraction)
  - Appellant's Opening Brief
  - Respondent's Brief
  - Appellant's Reply Brief
  - Abandonment of Appeal (Limited Civil Case)
  - Petition for Writ (Misdemeanor, Infraction, or Limited Civil Case)
  - Other (write in the name of the document):
- \_\_\_\_\_
- \_\_\_\_\_

a.  Service by Mail

- (1) I put one copy of the document identified in ④ in an envelope addressed to each person listed in (2), sealed the envelope, and put first-class postage on the envelope.



Appellate Division Case Name: \_\_\_\_\_

(2) The envelope or envelopes were addressed as follows:

(a) Name of person served: \_\_\_\_\_

Address on envelope: \_\_\_\_\_  
Street City State Zip

(b) Name of person served: \_\_\_\_\_

Address on envelope: \_\_\_\_\_  
Street City State Zip

Check here if you mailed copies of the document identified in (4) to more people. Attach a separate page listing the names and addresses on each additional envelope you mailed. Write "APP-109, Item 4a" on the top of the page.

(3) I mailed the envelope or envelopes on (date): \_\_\_\_\_ from (city, state): \_\_\_\_\_  
by depositing the envelope or envelopes (check one):

(a)  With the U.S. Postal Service or

(b)  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

b.  Service by Personal Delivery

I personally gave one copy of the document identified in (4) to each of the following people:

(1) (a) Name of person served: \_\_\_\_\_

(b) Address where you gave the documents to this person: \_\_\_\_\_  
Street  
City State Zip

(c) Date when you gave the documents to this person: \_\_\_\_\_

(d) Time when you gave the documents to this person: \_\_\_\_\_

(2) (a) Name of person served: \_\_\_\_\_

(b) Address where you gave the documents to this person: \_\_\_\_\_  
Street  
City State Zip

(c) Date when you gave the documents to this person: \_\_\_\_\_

(d) Time when you gave the documents to this person: \_\_\_\_\_

Check here if you gave copies of the document identified in (4) to more people. Attach a separate page listing the names of each of these people, the address where you gave each of them the document, and the date and time you gave them the document. Write "APP-109, Item 4b" on the top of the page.

(5) I declare under penalty of perjury under California state law that the information above is true and correct.

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

\_\_\_\_\_  
Type or print server's name

\_\_\_\_\_  
Server signs here after serving

## Item SPR08-09 Response Form

**Title:** **Appellate Procedure: Service and Filing** (adopt Cal. Rules of Court, rule 8.817, amend rule 8.25, approve forms APP-009 and APP-109)

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

Comments: \_\_\_\_\_

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**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be written on this form, prepared in a letter format, or submitted online. 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.

**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

**Email:** [invitations@jud.ca.gov](mailto: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

<b>DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 20, 2008</b>
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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.*