

**SAMPLE FORM F**

**APPELLANT'S NOTICE DESIGNATING RECORD ON  
APPEAL**

## **APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL - INSTRUCTIONS**

After filing your notice of appeal you have 10 days to tell the Superior Court what you want in the record that will be sent to the Court of Appeal; this is called the Appellant's Notice Designating Record on Appeal. On the next few pages is a form to assist you in designating the record. What you choose to include in your record depends on the issues you wish to raise on appeal. This notice is filed in the Superior Court.

The Appellant's Notice Designating Record on Appeal is available online in Adobe Acrobat PDF format and may be filled out electronically at <http://www.courts.ca.gov/forms.htm>. Select "Appellate" forms, then click on Form [APP-003](#).

### **Filling out the Notice Designating Record on Appeal:**

#### **Caption**

- (1) In the "Attorney or Party Without Attorney" area at the top of the form, fill out your name, mailing address, and telephone number where you can be reached during the day. If you have chosen to file your documents electronically, you must include your e-mail address in this section. You may also include a fax number if you have one.
  
- (2) In the "Superior Court of California, County of" area of the form, specify the county, address, and branch name of the superior court that made the order or judgment you are appealing.
  
- (3) In the next box on the form marked "PLAINTIFF/PETITIONER" and "DEFENDANT/RESPONDENT" fill out the plaintiff's name and defendant's name as they appear in the superior court case caption.
  
- (4) In the "Superior Court Case Number" box to the right, write the superior court case number.
  
- (5) In the "RE: Appeal filed on (*date*)" box, write the date the Notice of Appeal was filed.
  
- (6) In the "Court of Appeal Case Number (*if known*)" box immediately to the right, write the Court of Appeal case number, if you have it.

### **Page 1, Paragraph 1, RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT**

Check only one of the five boxes (a, b, c, or d) under paragraph 1.

Check box "1(a)" if you want to have the Superior Court prepare a clerk's transcript. If you check this box, you must check box "1(a)(1)" or "1(a)(2)," and fill out the clerk's transcript section on page 2 of the form.

Check box "1(b)" if you plan to prepare your own transcript (appendix) under CRC rule 8.124 instead of having the Superior Court prepare a clerk's transcript. If you check this box, go to paragraph 2 under **RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT**. There is no need to fill out paragraph 4 pertaining to a clerk's transcript.

Check box "1(c)" if you want to use the original superior court file under CRC rule 8.128. If you check this box, go to the next section under **RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT**. There is no need to fill out page two.

Check box "1(d)" if you want to use an agreed statement under CRC rule 8.134. If you check this box, you must check box "2(b)(2)" under **RECORD OF ORAL PROCEEDINGS IN THE TRIAL COURT** and attach to your agreed statement copies of all documents that are required to be included in the clerk's transcript.

### **Page 1, Paragraph 2, RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT**

If you have not already chosen to use an agreed statement (and checked box "2(b)(2)" =, you need to decide whether you want to proceed with or without a reporter's transcript. Check box "2(a)" if you want to proceed without a reporter's transcript. Check box "2(b)(1)" if you want a reporter's transcript under CRC rule 8.130. If you check this box, be sure to fill out the subparagraphs, as well as the reporter's transcript section in paragraph 5 on pages three and four.

Check box "2(b)(3)" if you want to use a settled statement under CRC rule 8.137 instead of a reporter's transcript. If you check this box, be sure to fill out paragraphs 6 and 7 on page four.

At the bottom of page four, write the current date on the form, type or print your name legibly, and sign the form.

### **Page Two, Paragraph 3, RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT**

Fill out paragraph 3 if your matter involved an administrative proceeding and you want the clerk to transmit the record of the administrative proceeding to the Court of Appeal.

### **Pages Two and Three, Paragraph 4, NOTICE DESIGNATING CLERK'S TRANSCRIPT**

Fill out paragraph 4 only if you checked box "1(a)" on page one; if you checked box "1(b)," "1(c)" or "1(d)" or "1(e)" you do not need to fill out this paragraph. The first seven documents are filled in for you under paragraph 4(a). You may designate any other documents in the Superior Court file as part of your record on appeal under paragraph 4(b), choosing as few or as many documents as you wish. You may also designate exhibits that were admitted in evidence, refused, or lodged in the trial court under paragraph 4(c). What you choose to include

in your record depends on the issues you wish to raise on appeal. You will need to make a \$100.00 deposit with the Superior Court if you select this option.

### **Pages Three and Four, Paragraph 5, NOTICE DESIGNATING REPORTER'S TRANSCRIPT**

Fill out paragraph 5 on pages three and four only if you checked box "2(b)(1)" on page one; if you checked box "2(a)" or "2(b)(2)" or "2(b)(3)" you do not need to fill out this page. A reporter's transcript is a word for word typewritten record of everything that was said in court during a trial or hearing.

Check box "5(a)(1)" if you want your copy of the reporter's transcript in electronic format. Check box "5(a)(2)" if you want your copy of the reporter's transcript in paper format. Check box "5(a)(3)" if you want your copy of the reporter's transcript in both electronic and paper formats.

Fill in box 5(b) for each day you want transcribed and write the date, the department of the Superior Court you were in, whether it was a full or partial day, a description of the proceeding, and the reporter's name. Check the box to show whether a certified transcript was previously prepared. The reporter's transcript costs money: a deposit plus a \$50 fee. You can ask the reporter to give you a written estimate of what it will cost in advance and pay that. Or, if the proceedings were not transcribed before, you can pay \$650 per day for days where there were more than three hours to be transcribed or \$350 per day where there were less than three hours to be transcribed. If the proceedings were previously transcribed, you can pay \$160 per day for days where there were more than three hours to be transcribed or \$80 per day where there were less than three hours to be transcribed.

### **Page Four, Paragraph 6, NOTICE DESIGNATING PROCEEDINGS TO BE INCLUDED IN SETTLED STATEMENT**

Fill out paragraph 6 only if you checked box "2(b)(3)" indicating you chose to use a settled statement. List each proceeding that you want included by date, department where it took place, a description of the proceedings, the court reporter's name (if known), and whether there is already a certified transcript of the proceeding. You may use a separate page labeled Attachment 6, starting with number 5.

### **Page Four, Paragraph 7**

Fill out paragraph 7 if you listed proceedings in either paragraphs 5(b) or 6 to say whether the proceedings include or do not include all of the testimony in the superior court. If they do not include all of the testimony, you must list the points you wish to raise on appeal. You may use a separate page labeled Attachment 7. Sign and date the form on page four.

### **Proof of Service**

The Notice Designating the Record on Appeal must be served on the other party or parties to the appeal. If the document is served by mail or personal delivery, have someone over the age of 18 who is not a party to the action serve the document and fill out form [APP-009](#). If you are serving the document by e-mail, you can do it yourself and fill out form [APP-009E](#). See instructions accompanying [Sample Form C](#).

<p><b>Due:</b> 10 days after filing Notice of Appeal</p> <p><b>Serve:</b> Court Reporter (if reporter's transcript requested) All counsel All self-represented parties</p> <p><b>File:</b> Original with Superior Court plus completed Proof of Service (Bring an extra copy to be file-stamped for your file.)</p>
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