

SAMPLE FORM S

PETITION FOR REHEARING

PETITION FOR REHEARING - INSTRUCTIONS

After the opinion has been filed in your case, or a request for publication granted or modification of opinion changing judgment, you have 15 days to ask the Court of Appeal for a rehearing. You ask for a rehearing if you feel that the opinion misstates the facts, has an error of law, has a significant omission in the facts or law or failed to consider an important argument. There is an automatic right to rehearing if the Court of Appeal makes a decision based on an issue that was not proposed or briefed by any party. (Government Code section 68081.) The petition for rehearing has an orange cover if filing in paper form. If filing in paper form, an original plus one copy of the petition for rehearing must be filed in the Court of Appeal. The copy must have a white cover, be unbound and not contain tabs. A proof of service showing service on the Supreme Court, the Superior Court and all counsel and self-represented parties must accompany the petition for rehearing.

Filling out the Cover Page:

- (1) The plaintiff's name as it appears on your Superior Court caption.
- (2) Whether plaintiff is "appellant" or "respondent".
- (3) The defendant's name as it appears on your Superior Court caption.
- (4) Whether defendant is "appellant" or "respondent".
- (5) The Court of Appeal case number which begins with "D0".
- (6) The Superior Court number from your Superior Court case.
- (7) Write the county where the Superior Court case originated. It will be either "San Diego" or "Imperial".
- (8) The name of the Superior Court judge.
- (9) Your name.
- (10) Your mailing address.
- (11) Your city, state and zip code.
- (12) Your telephone number where you can be reached during the day.

Filling out the Petition for Rehearing:

- (1) Your name.
- (2) Your mailing address.

- (3) Your city, state and zip code.
- (4) Your telephone number where you can be reached during the day.
- (5) The plaintiff's name as it appears on your Superior Court caption.
- (6) Whether plaintiff is "appellant" or "respondent".
- (7) The defendant's name as it appears on your Superior Court caption.
- (8) Whether defendant is "appellant" or "respondent".
- (9) The Court of Appeal case number.
- (10) The Superior Court number from your Superior Court case.
- (11) Write whether you are "appellant" or "respondent".
- (12) Your name.
- (13) The date the opinion was filed.
- (14) Why you think there should be a rehearing.
- (15) The arguments in support of your reason why there should be a rehearing.
- (16) Write "affirm", "reverse" or "modify", however you think the court should have ruled in its opinion.
- (17) Current date.
- (18) Your signature.
- (19) Type or legibly print your name.

Due: 15 days after opinion filed, or request for publication granted, modification of opinion changing judgment, or consent to decrease or increase amount of judgment filed.

Instructions for Paper Filing:

Cover Color: Orange

Original unbound petition with white cover plus completed Proof of Service (file in Court of Appeal)

Provide an extra copy to be file-stamped for your file.

Serve: California Supreme Court - 4 paper copies

Superior Court - 1 copy

All counsel

All self-represented parties

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

(1) _____,

Plaintiff and (2) _____,

v.

(3) _____,

Defendant and (4) _____.

D(5) _____.

(Superior Court No. (6) _____)

Appeal From the Superior Court of (7) _____ County
Honorable (8) _____, Judge

PETITION FOR REHEARING

(9)

(10)

(11)

(12)

Self-Represented

(1)
(2)
(3)
(4)

COURT OF APPEAL, FOURTH APPELLATE DISTRICT
DIVISION ONE
STATE OF CALIFORNIA

(5) _____, Plaintiff and (6) _____, v. (7) _____, Defendant and (8) _____.	D(9) _____. (Superior Court No. (10) _____)
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PETITION FOR REHEARING

(11) _____, (12) _____, seeks rehearing of the court's opinion in the above case filed on (13) _____. The rehearing is necessary because (14) _____.

(15)

CONCLUSION

Petitioner requests that rehearing be granted and that the court (16) _____, the judgment.

DATED: (17) _____

(18) _____

Signature

(19) _____

Type or Print Name

An original Proof of Service must be attached to every original document filed with the court. A copy of the Proof of Service must be attached to every document served on all counsel and self-represented parties. (See [Sample Form C.](#))