

SAMPLE FORM X

**SAMPLE NOTICE OF MOTION AND MOTION FOR AN
ORDER FOR A SETTLED STATEMENT ON APPEAL
INSTEAD OF REPORTER'S TRANSCRIPT; PROPOSED
STATEMENT ON APPEAL (UNLIMITED CIVIL CASE)**

1 YOUR NAME
Street Address
2 City, State, ZIP
Phone Number
3 Email

4 In Propria Persona
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO

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12 THE THREE BEARS,
13
14 Plaintiffs and Respondents,

15 v.

16 GOLDBLOCKS,
17
18 Defendant and Appellant.

) Appeal No.:

) Superior Court Case No.:

) NOTICE OF MOTION AND MOTION FOR
) AN ORDER FOR A SETTLED
) STATEMENT ON APPEAL INSTEAD OF
) REPORTER'S TRANSCRIPT;
) MEMORANDUM OF POINTS AND
) AUTHORITIES
) (Rule 8.137(b)(2), Cal. Rules of Ct.)

19 To The Three Bears, Plaintiffs and Respondents:

20 NOTICE IS HEREBY GIVEN that on _____, 2018, at _____ .m., or as
21 soon thereafter as the matter may be heard, in Department _____ of this court, located at
22 _____ [street address of court], Appellant Goldilocks will move for an order that she be
23 allowed to set forth the oral proceedings by a settled statement in lieu of a reporter's transcript under
24 Rule 8.137(b)(2) of the California Rules of Court. This motion is made on the grounds that a
25 substantial cost saving will result and a settled statement will not significantly burden the respondents
26 or the court. The motion is made on the further ground that [EITHER the proceedings cannot be
27 transcribed, OR although appellant does not have a fee waiver, she is unable to pay for a reporter's
28 transcript and funds are unavailable from the Transcript Reimbursement Fund.]

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Appellant seeks a settled statement for the following proceedings:

- Trial: August 1, 2002
- Trial: August 2, 2002

The motion will be based on this Notice, the attached Memorandum of Points and Authorities, the Declaration of Goldilocks, and such other oral and documentary evidence that may be submitted at the hearing.

DATED: _____

Goldilocks, Appellant
In Propria Persona

DECLARATION OF GOLDBLOCKS IN SUPPORT OF
MOTION FOR AN ORDER FOR A SETTLED STATEMENT
INSTEAD OF A REPORTER'S TRANSCRIPT

I, Goldilocks, declare:

1. I am the Defendant and Appellant in this case. I have personal knowledge of the facts, and, if called as a witness, I am competent to testify to these things.
2. On August 1, 2002, I went to trial in this action against Plaintiffs The Three Bears. The proceedings were reported by a court reporter.
3. However, using a settled statement on appeal would save a substantial amount of money for both me and my opponents. The statement can be settled without any significant burden on my opponents or the court. Also, [EITHER the proceedings cannot be transcribed OR although I do not have a fee waiver, I cannot afford to pay for a reporter's transcript and there are no funds available from the Transcript Reimbursement Fund.] For this reason, a settled statement in lieu of a reporter's transcript is needed.

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

Dated: _____

Goldilocks, Appellant
In Propria Persona

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MEMORANDUM OF POINTS AND AUTHORITIES

Rule 8.137(b)(2) of the California Rules of Court allows an appellant to apply to the court for permission to use a settled statement on appeal instead of a reporter's transcript where the appellant can show: (i) a substantial cost saving will result and the statement can be settled without significantly burdening opposing parties or the court; and either (ii) the designated oral proceedings cannot be transcribed; or (iii) although appellant does not have a fee waiver, he or she is unable to pay for a reporter's transcript and funds are not available from the Transcript Reimbursement Fund.

Appellant requests a settled statement for the trial in this action that took place on August 1 and 2, 2002. The proceedings were reported by a court reporter. The name of the court reporter is:

_____.

The declaration shows that a settled statement will result in a substantial cost saving, and the statement can be settled without significantly burdening opposing parties or the court. Also, [EITHER: the proceedings cannot be transcribed OR although appellant does not have a fee waiver, she cannot afford to pay for a reporter's transcript and there are no funds available from the Transcript Reimbursement Fund.] Without a reporter's transcript, the Court of Appeal will not be able to conduct a proper review.

CONCLUSION

For these reasons, the court should make an order for a settled statement on appeal instead of a reporter's transcript.

DATED: _____

Goldilocks, Appellant
In Propria Persona

NOTE TO APPELLANT: Under Rule 8.137(c), if the respondent does not file a notice electing to provide a reporter's transcript in lieu of proceeding with a settled statement, you must serve and file a proposed statement in superior court within 30 days after the superior court clerk sends, or a party serves, an order granting this motion. To do so, use the form for a Proposed Statement on Appeal (Unlimited Civil Case) (at form [APP-014](#)).