

Invitation to Comment

Title	Civil Forms: <i>Notice of Entry of Judgment</i> (approve form CIV-130)
Summary	California Code of Civil Procedure section 664.5 requires a prevailing party to serve and file a notice of entry of judgment. Under the California Rules of Court, the mailing of this notice triggers the period in which an appeal must be filed. The new optional form provides a simple and clear way for litigants to provide the notice.
Source	Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
Staff	Anne M. Ronan, Case Management Subcommittee Counsel, 415-865-8933, anne.ronan@jud.ca.gov
Discussion	<p>In civil actions other than small claims actions, following entry of a judgment, decree, or appealable order, a prevailing party is generally required under Code of Civil Procedure section 664.5(a) to prepare and serve by mail a notice of entry of judgment, and to file the notice and proof of service with the court. The mailing of this notice triggers the period in which an appeal may be filed in both unlimited cases (Cal. Rules of Court, rule 8.104) and limited cases (currently, rule 8.751; to be renumbered as rule 8.822 as of January 1, 2009).</p> <p>The proposed <i>Notice of Entry of Judgment</i> (form CIV-130) is a simple form consisting of statements (1) that a judgment or appealable order (under the definition of judgment from Code Civ. Proc. section 664.5) was entered, with the date of entry, and (2) that a copy of the judgment or order is attached. There is a space to indicate whether the action is of limited jurisdiction or unlimited jurisdiction. The back of the form includes a proof of service by mail, the method of service required under Code of Civil Procedure section 664.5(a).</p> <p>The public would benefit from having such a form available. Litigants could be more certain that what they are filing or receiving constitutes a notice of entry of judgment that triggers the appeals period, and of the date on which the period begins. The requirement that a copy of the judgment or order at issue be attached clarifies on which judgment or order the appeals period is running. The form is an optional one, so litigants who wished to draft their own notice may still do so.</p>
	Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT v. 3 03/15/08</p> <p style="text-align: center;">Not Approved By Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT</p> <p>(Check one): <input type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	CASE NUMBER:

TO ALL PARTIES :

1. A judgment as defined in Code of Civil Procedure section 664.5 (that is, a judgment, decree, or order from which an appeal lies) was entered in this action on (date):
2. A copy of the judgment, decree, or order is attached to this notice.

Date:

 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)



(SIGNATURE)

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

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT**

(NOTE: You cannot serve the Notice of Entry of Judgment if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:

2. I served a copy of the *Notice of Entry of Judgment* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment* was mailed:

- a. on *(date)*:
- b. from *(city and state)*:

4. The envelope was addressed and mailed as follows:

- | | |
|---------------------------|---------------------------|
| a. Name of person served: | c. Name of person served: |
| Street address: | Street address: |
| City: | City: |
| State and zip code: | State and zip code: |
|
 |
 |
| b. Name of person served: | d. Name of person served: |
| Street address: | Street address: |
| City: | City: |
| State and zip code: | State and zip code: |

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

5. Number of pages attached _____.

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 DECLARANT)		(SIGNATURE OF DECLARANT)

Item SPR08-15 Response Form

Title: Civil Form: Notice of Entry of Judgment (approve form CIV-130)

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

Comments: _____

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

Email: 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

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 20, 2008

*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.*