

SAMPLE FORM F

NOTICE DESIGNATING RECORD ON APPEAL

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 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 Notice Designating Record on Appeal is available online in Adobe Acrobat PDF format and may be filled out electronically for free at <http://www.courtinfo.ca.gov/cgi-bin/forms.cgi>. 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.
- (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.
- (7) Specify the name of the county after the entry "TO: Clerk of the Superior Court of California County of (*name of county*)"
- (8) After the line marked "NOTICE IS HEREBY GIVEN", check the appropriate box to indicate whether you are the appellant (the appealing party) or respondent (the responding party).

Page 1, Paragraph 1, RECORD OF THE DOCUMENTS FILED IN THE TRIAL COURT

Check only one of the five boxes (a, b, c, d, or e) 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 TRIAL COURT**. There is no need to fill out page two.

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 TRIAL 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.

Check box "1(e)" if you want to use a settled statement under CRC rule 8.137. If you check this box, you must check box "2(b)(3)" and attach the required motion to the *Notice Designating Record on Appeal*.

Page 1, Paragraph 2, RECORD OF ORAL PROCEEDINGS IN THE TRIAL COURT

If you have not already chosen to use an agreed or settled statement (and checked box "2(b)(2)" or "2(b)(3)"), 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 reporter's transcript section on page three.

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

Page Two (Notice Designating Clerk's Transcript):

Fill out this page 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 page. The first seven documents are filled in for you under paragraph three. You may designate any other documents in the Superior Court file as part of your record on appeal under paragraph four, 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 5. If your matter involved an administrative proceeding, you may request the record of that proceeding under paragraph 6. 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.

Page Three (Notice Designating Reporter's Transcript):

Fill out this page 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 "7" if you want your copy of the reporter's transcript in computer readable format.

Check box "8" and for each day you want transcribed, 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. The reporter's transcript costs money. You can ask the reporter to give you an estimate of what it will cost in advance or 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.

Page Four (Proof of Service)

Have someone over the age of 18 who is not a party to the action serve the Notice Designating Record on Appeal and fill out the Proof of Service on page 4 of the form. See instructions accompanying [Sample Form C](#).

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

CASE NAME:	CASE NUMBER:
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NOTICE DESIGNATING CLERK'S TRANSCRIPT

You must complete this section if you checked item 1.a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the trial court.

3. **Required documents.** The clerk will automatically include the following items in the clerk's transcript:
- a. Notice of appeal
 - b. Notice designating record on appeal (*this document*)
 - c. Judgment or order appealed from
 - d. Notice of entry of judgment (*if any*)
 - e. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
 - f. Ruling on one or more of the items listed in e.
 - g. Register of actions or docket

4. **Additional documents.** If you want any documents from the trial court proceeding in addition to the items listed above to be included in the clerk's transcript, you must identify those documents here.

I would like the clerk to include in the transcript the following documents from the trial court proceeding (*You must identify each document you want included by its title and provide the date it was filed, if you know it.*):

Document Title and Description	Date of Filing
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- h.
- i.
- j.

See additional pages

5. **Exhibits to be included in clerk's transcript.** I would like the clerk to include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court (*for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit and indicate whether or not the court admitted the exhibit into evidence*):

Exhibit Number	Description	Admitted (Yes/No)
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- a.
- b.
- c.

See additional pages

6. **Record of administrative proceeding to be transmitted to the reviewing court.** I would like the clerk to transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the trial court (*give the title and date or dates of the administrative proceeding*):

Title of Administrative Proceeding	Date or Dates
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CASE NAME:	CASE NUMBER:
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NOTICE DESIGNATING REPORTER'S TRANSCRIPT

You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the trial court. Please remember that you must pay for the cost of preparing the reporter's transcript.

7. I request that the reporter(s) provide my copy of the reporter's transcript in computer-readable format. (*Code Civ. Proc.*, § 271; *Cal. Rules of Court*, rule 8.130(f)(4).)

8. **Proceedings.** I would like the following proceedings in the trial court to be included in the reporter's transcript (*You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings.*):

	Date	Department	Full/Partial Day	Description of Proceedings	Reporter's Name
a.					
b.					
c.					
d.					
e.					
f.					
g.					
h.					
i.					
j.					

See additional pages

Date: _____

(TYPE OR PRINT NAME)

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(SIGNATURE OF APPELLANT OR ATTORNEY)