**2019 California Rules of Court**

Rule 8.212. Service and filing of briefs

**(a) Time to file**

(1)  An appellant must serve and file its opening brief within:

(A)  40 days after the record-or the reporter's transcript, after a rule 8.124 election-is filed in the reviewing court; or

(B)  70 days after the filing of a rule 8.124 election, if the appeal proceeds without a reporter's transcript.

(2)  A respondent must serve and file its brief within 30 days after the appellant files its opening brief.

(3)  An appellant must serve and file its reply brief, if any, within 20 days after the respondent files its brief.

(Subd (a) amended effective January 1, 2010; previously amended effective January 1, 2007.)

**(b) Extensions of time**

(1)  Except as otherwise provided by statute or when the time to file the brief has previously been extended under (3) or rule 8.220(d), the parties may extend each period under (a) by up to 60 days by filing one or more stipulations in the reviewing court before the brief is due. Stipulations must be signed by and served on all parties.

(2)  A stipulation under (1) is effective on filing. The reviewing court may not shorten a stipulated extension.

(3)  Before the brief is due, a party may apply to the presiding justice for an extension of each period under (a), or under rule 8.200(c)(6) or (7), on a showing that there is good cause and that:

(A)  The applicant was unable to obtain-or it would have been futile to seek-the extension by stipulation; or

(B)  The parties have stipulated to the maximum extension permitted under (1) and the applicant seeks a further extension.

(4)  A party need not apply for an extension or relief from default if it can file its brief within the time prescribed by rule 8.220(a). The clerk must file a brief submitted within that time if it otherwise complies with these rules.

(Subd (b) amended effective January 1, 2015; previously amended effective January 1, 2003, July 1, 2005, January 1, 2007, January 1, 2010, January 1, 2011, January 1, 2013, and January 1, 2014.)

**(c) Service**

(1)  One copy of each brief must be served on the superior court clerk for delivery to the trial judge.

(2)  If a brief is not filed electronically under rules 8.70-8.79, one electronic copy of each brief must be submitted to the Court of Appeal. For purposes of this requirement, the term "brief" does not include a petition for rehearing or an answer thereto.

(A)  The copy must be a single computer file in text-searchable Portable Document Format (PDF), and it must exactly duplicate the appearance of the paper copy, including the order and pagination of all of the brief's components. By electronically submitting the copy, the filer certifies that the copy complies with these requirements and that all reasonable steps have been taken to ensure that the copy does not contain computer code, including viruses, that might be harmful to the court's system for receipt of electronic copies or to other users of that system.

(B)  If the brief discloses material contained in a sealed or conditionally sealed record, the party serving the brief must comply with rule 8.46(f) and include as the first page in the PDF document a cover sheet that contains the information required by rule 8.204(b)(10).

(C)  If it would cause undue hardship for the party filing the brief to submit an electronic copy of the brief to the Court of Appeal, the party may instead serve four paper copies of the brief on the Supreme Court. If the brief discloses material contained in a sealed or conditionally sealed record, the party serving the brief must comply with rule 8.46(f) and attach a cover sheet that contains the information required by rule 8.204(b)(10). The clerk/executive officer of the Court of Appeal must promptly notify the Supreme Court of any court order unsealing the brief. In the absence of such notice, the clerk/executive officer of the Supreme Court must keep all copies of the unredacted brief under seal.

(3)  One copy of each brief must be served on a public officer or agency when required by rule 8.29.

(Subd (c) amended effective January 1, 2018; previously amended effective January 1, 2004, January 1, 2005, January 1, 2007, January 1, 2008, January 1, 2013, January 1, 2014, and January 1, 2015.)

Rule 8.212 amended effective January 1, 2018; repealed and adopted as rule 15 effective January 1, 2002; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2003, January 1, 2004, January 1, 2005, July 1, 2005, January 1, 2008, January 1, 2010, January 1, 2011, January 1, 2013, January 1, 2014, and January 1, 2015.