# Court of Appeal Case No.

THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION \_\_\_\_\_\_\_

**[NAME OF THE PLAINTIFF OR PETITIONER]**

**[Plaintiff(s)/Petitioner(s)] & [Appellant(s)/Respondent(s)]**

**vs**.

**[NAME OF THE DEFENDANT OR TRIAL COURT RESPONDENT]**

**[Defendant(s)/Respondent(s)] & [Appellant(s)/Respondent(s)]**

**MOTION TO AUGMENT RECORD ON APPEAL**

**AND FOR AN EXTENSION OF TIME IN WHICH TO FILE**

**APPELLANT’S OPENING BRIEF.**

APPEAL FROM THE SUPERIOR COURT, LOS ANGELES COUNTY\

Case No. \_\_\_\_\_\_\_\_

The Hon. \_\_\_\_\_\_\_\_\_\_\_\_\_, Judge

YOUR NAME

YOUR ADDRESS

YOUR PHONE NUMBER

Appellant/Respondent, In Pro Per

#  Court of Appeal Case No.

THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION \_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Plaintiff and Appellant**

**vs**.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Defendants and Respondents**

**MOTION TO AUGMENT RECORD ON APPEAL**

TO: THE PRESIDING JUSTICE AND HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL, SECOND DISTRICT, DIVISION \_\_\_

Appellant \_[YOUR NAME]\_\_\_\_\_\_, pursuant to rule 8.155(a), California Rules of Court, requests augmentation of the record on appeal to include the following documents:

1.

2.

HERE ADD NUMBERS FOR AS MANY SEPARATE DOCUMENTS AS YOU WANT ADDED TO THE RECORD; ALSO *BRIEFLY* DESCRIBE EACH DOCUMENT AND GIVE THE DATE ON WHICH IT WAS FILED OR, IF IT IS A TRIAL EXHIBIT, THE DATE ON WHICH IT WAS ADMITTED INTO EVIDENCE AT TRIAL.

True and correct copies of the requested documents are attached to this motion as Exhibits 1 through \_\_\_\_\_

As is set forth in the Declaration of [YOUR NAME], attached hereto, owing to Appellant’s mistake, inadvertence, surprise and excusable neglect, the [documents/transcripts/documents and transcripts] requested, although necessary in order for this court to fully understand the facts and fairly determine the issues in this appeal, were inadvertently not designated in Appellant’s Notice Designating Record on Appeal for inclusion in the Clerk’s Transcript.

The Notice of Appeal in this case was filed on \_\_\_\_\_\_\_\_\_\_; the appellate record was filed on \_\_\_\_\_\_\_\_\_\_\_.

 This Application is based on the attached Memorandum of Points & Authorities and the Declaration of \_\_\_\_\_\_\_\_\_\_\_\_\_ attached hereto. The documents requested are necessary in order for this court to fully understand the facts and fairly determine the issues in this appeal.

|  |  |
| --- | --- |
| Dated:  |  Appellant In Pro Per |
|  |  |

**MEMORANDUM OF POINTS & AUTHORITIES**

**I. The Record On Appeal Requires Augmentation**

**A. The Record On Appeal May Be Augmented On The Motion Of A Party**

An appellant has the burden of presenting a record that affirmatively demonstrates error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) Rule 8.155(a) authorizes augmentation of the record on motion of a party.

**B. Augmentation Of The Record Is Necessary And Appropriate In This Case**

 Appellant requests that the record on appeal be augmented to include the [documents/transcript/documents and transcripts] listed in Appellant’s Motion

As is set forth in the Declaration of \_\_\_\_\_\_YOUR NAME\_\_\_\_\_\_ attached hereto, the requested documents are essential for this court’s full understanding and fair determination of Appellant’s appeal, but they were inadvertently not designated for inclusion of the record on appeal. Augmentation of the record will not prejudice any party in any way. The record should therefore be augmented as prayed. (Cal. Rules of Court, Rule 8.155(a).)

II. An Extension Of Time To File Appellant’s Opening Brief Is Necessary

The materials sought to be added to the appellate record are essential to appellant’s arguments on appeal. [ HERE ADD ANY ADDITIONAL REASONS WHY YOU NEED AN EXTENSION OF TIME. WHEN YOU HAVE ADEQUATELY EXPLAINED YOUR REASONS FOR NEEDING AN EXTENSIOIN OF TIME, DELETE THESE BRACKETED INSTRUCTIONS.] Appellant therefore requests an extension of [??] days from [PICK ONE, THEN DELETE THESE INSTRUCTIONS, THE BRACKETS AND THE TRIGGER DATE YOU DON’T USE: entry of this Court’s ruling on this motion OR the filing of the augmented record in this Court] in which to file the Appellant’s Opening Brief.

**CONCLUSION**

For the foregoing reasons, the record should be corrected to include the documents identified on page 1 of Appellant’s Motion, and Appellant should be granted an extension of time in which to file the Appellant’s Opening Brief.

Dated: Respectfully submitted,

 Appellant In Pro Per

**DECLARATION OF \_\_\_\_\_[YOU]\_\_\_\_\_**

YOUR NAME declares as follows:

 1. I am the appellant in this appeal.

2. I filed my Notice of Appeal in this case on \_\_\_\_\_\_\_\_\_. I filed my Notice Designating Record On Appeal on \_\_\_\_\_\_\_\_\_. The record was filed on \_\_\_\_\_\_\_\_\_\_\_\_.

3. HERE, EXPLAIN WHY THE REQUESTED DOCUMENTS AND/OR TRANSCRIPTS NEED TO BE IN THE RECORD.

4. HERE, EXPLAIN WHY YOU DID NOT REQUEST THESE DOCUMENTS AND/OR TRANSCRPTS SOONER.

5. HERE, EXPLAIN WHY YOUR REASON CONSTITUTES “GOOD CAUSE,” SO THAT YOU SHOULD BE ALLOWED TO ADD THE DOCUMENTS TO THE RECORD AT THIS POINT IN THE APPELLATE PROCESS.

5. The requested documents are attached to this Motion as Exhibits 1 through \_\_\_\_. The requested original transcripts will be lodged with this court concurrently with the filing of Appellant’s Opening Brief.

6. For the reasons stated above, the record on appeal should be augmented to include the [documents/transcripts/documents and transcripts] listed in Appellant’s Motion, and the Court is respectfully asked to order such augmentation.

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

Dated:

 YOUR NAME

HERE, INSERT THE SECOND APPELLATE DISTRICT’S FORM FOR AN ORDER GRANTING A MOTION TO AUGMENT RECORD ON APPEAL, FORM 2DCA-05.

**EXHIBIT 1**

MAKE AN EXHIBIT COVER PAGE, SIMILAR TO THE
“EXHIBIT 1” COVER PAGE, FOR EACH DOCUMENT YOU ARE ASKING TO HAVE ADDED TO THE RECORD.

INSERT EACH EXHIBIT—*I.E.* EACH DOCUMENT YOU ARE ASKING TO HAVE ADDED TO THE RECORD—BEHIND ITS CORRESPONDING EXHIBIT COVER PAGE.

NUMBER ALL AS-YET-UN-NUMBERED PAGES (INCLUDING THE EXHIBIT COVER PAGES AND ALL PAGES OF EACH EXHIBIT) AT THE BOTTOM OF THE PAGE, STARTING WITH THE NEXT ARABIC NUMERAL FOLLOWING THE ARABIC NUMERAL OF THE LAST NUMBERED PAGE.

AFTER ALL EXHIBITS HAVE BEEN ADDED AND ALL PAGES NUMBERED, ADD A PROOF OF SERVICE, HAVE THE MOTION SERVED AND HAVE THE PERSON PERFORMING THE SERVICE SIGN THE PROOF OF SERVICE. THEN FILE THE MOTION IN THE COURT OF APPEAL.