

**SAMPLE FORM R**

**APPLICATION FOR EXTENSION OF TIME TO FILE  
BRIEF (CIVIL CASE)**

## **APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF - INSTRUCTIONS**

If a party needs more than the 60 days already stipulated to, or if the opposing party refuses to stipulate to an extension, the party needing the extension must file an application for extension of time. The party seeking additional time must give reasons, also known as "**good cause,**" why that extension is needed. (CRC rule 8.63.) You must serve a copy of your extension request on all parties (or the attorneys for represented parties). You should file an original of your extension request in the Court of Appeal, along with a proof of service. ([Sample Form C.](#)) You must also provide the Clerk of the Court of Appeal with enough copies of the extension request for each party (including yourself) and stamped envelopes addressed to each party (including yourself). The Clerk will use these extra copies and envelopes to mail out the court's order granting or denying the extension request.

This form is available online in Adobe Acrobat PDF format and may be filled out electronically for free at <http://www.courts.ca.gov/forms>. Select "Appellate" forms, then click on Form [APP-006](#).

### **Filling out the Application for Extension of Time to File Brief form:**

#### **Caption**

(1) If you are appealing a case from San Diego or Imperial County, fill out the top box of the form as follows: "Court of Appeal, Fourth Appellate District, Division One." Indicate the Court of Appeal case number and the Superior Court case number in the boxes to the right.

(2) 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. If you have chosen to file your documents electronically, you must include your e-mail address in this section. You may also include a fax number if you have one.(3) In the next box down, write your name next to "APPELLANT" and the responding party's name next to "RESPONDENT."

#### **Page 1, entries 1-7**

Entry 1. Check whether the extension is for appellant's opening brief, respondent's brief, combined respondent's and appellant's opening brief, combined appellant's reply brief and respondent's brief, or appellant's reply brief and fill in the date the brief is due. Add the date you would like the brief to be due after the "be extended to (*date*)" language.

Entry 2. Check one of the two boxes to indicate whether or not CRC rule 8.220 notice has been received.

Entry 3. Check whether there have been previous extensions. If earlier extensions were received, indicate how many were granted by stipulation, how many by the court, and for each type of extension, the total number of days briefing has already been extended. Check whether the court has stated there would be "no further" extensions.

Entry 4. Check why you are unable to file a stipulation.

Entry 5. If a brief has already been filed, check whether the most recent brief filed was the Appellant's Opening Brief ("AOB"), the Respondent's Brief ("RB"), the combined Respondent's and Appellant's opening brief ("RB and AOB"), combined Appellant's Reply brief and Respondent's Brief ("ARB and RB"), and write the date it was filed. If no brief has yet been filed, leave this entry blank.

Entry 6. Fill out the requested information for the length of the appellate record and the date the record was filed.

Entry 7. Fill out this box if the trial court has stopped the case during the appeal. (The court may refer to this as a "stay" of the case pending the appeal.)

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Entry 8. Give "**good cause**" for the extension by explaining why the extension is needed. (See CRC rule 8.63(b) for a list of the relevant factors.) You may use an optional form declaration, [APP-031A](#), Attached Declaration (Court of Appeal), to write your explanation. **This form is available online in Adobe Acrobat PDF format and may be filled out electronically for free at <http://www.courtinfo.ca.gov/forms.htm> Select "Appellate" forms, then click on Form APP-031A.**

Entry 9. If you are an attorney, serve a copy of the application on your client and check the box.

Entry 10. You must attach a **Proof of Service** and serve it on all parties. If the application is served by mail or personal delivery, have someone over the age of 18 who is not a party to the action serve the document and fill out form [APP-009](#). If you are serving the application by e-mail, you can do it yourself and fill out form [APP-009E](#). See requirements in box below and instructions accompanying [Sample Form C](#).

Date the form at the bottom of page 2, type or print your name legibly, and sign.

**Serve:** All counsel  
All self-represented parties  
(If you are an attorney, serve your client.)

**Instructions for Filing in Paper:**  
Original with a completed Proof of Service on all counsel and self-represented parties (if you are an attorney, serve your client)