

SAMPLE FORM X

**SAMPLE NOTICE OF MOTION AND MOTION FOR AN
ORDER FOR A SETTLED STATEMENT ON APPEAL
INSTEAD OF REPORTER'S TRANSCRIPT; PROPOSED
STATEMENT ON APPEAL (UNLIMITED CIVIL CASE)**

1 YOUR NAME
Street Address
2 City, State, ZIP
Phone Number
3 Email

4 In Propria Persona
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO
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12 THE THREE BEARS,) Appeal No.:
13) Superior Court Case No.:
14 Plaintiffs and Respondents,)
15 v.) NOTICE OF MOTION AND MOTION FOR
16 GOLDILOCKS,) AN ORDER FOR A SETTLED
17 Defendant and Appellant.) STATEMENT ON APPEAL INSTEAD OF
REPORTER'S TRANSCRIPT;
MEMORANDUM OF POINTS AND
AUTHORITIES
(Rule 8.137(b)(2), Cal. Rules of Ct.)

18 _____
19 To The Three Bears, Plaintiffs and Respondents:

20 NOTICE IS HEREBY GIVEN that on _____, 2018, at _____ .m., or as
21 soon thereafter as the matter may be heard, in Department _____ of this court, located at
22 _____ [street address of court], Appellant Goldilocks will move for an order that she be
23 allowed to set forth the oral proceedings by a settled statement in lieu of a reporter's transcript under
24 Rule 8.137(b)(2) of the California Rules of Court. This motion is made on the grounds that a
25 substantial cost saving will result and a settled statement will not significantly burden the respondents
26 or the court. The motion is made on the further ground that [EITHER the proceedings cannot be
27 transcribed, OR although appellant does not have a fee waiver, she is unable to pay for a reporter's
28 transcript and funds are unavailable from the Transcript Reimbursement Fund.]

1 Appellant seeks a settled statement for the following proceedings:

- 2 • Trial: August 1, 2002
- 3 • Trial: August 2, 2002

4 The motion will be based on this Notice, the attached Memorandum of Points and Authorities,
5 the Declaration of Goldilocks, and such other oral and documentary evidence that may be submitted
6 at the hearing.

7 DATED: _____

8 _____
9 Goldilocks, Appellant
10 In Propria Persona

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DECLARATION OF GOLDBLOCKS IN SUPPORT OF
MOTION FOR AN ORDER FOR A SETTLED STATEMENT
INSTEAD OF A REPORTER'S TRANSCRIPT

I, Goldilocks, declare:

1. I am the Defendant and Appellant in this case. I have personal knowledge of the facts, and, if called as a witness, I am competent to testify to these things.
2. On August 1, 2002, I went to trial in this action against Plaintiffs The Three Bears. The proceedings were reported by a court reporter.
3. However, using a settled statement on appeal would save a substantial amount of money for both me and my opponents. The statement can be settled without any significant burden on my opponents or the court. Also, [EITHER the proceedings cannot be transcribed OR although I do not have a fee waiver, I cannot afford to pay for a reporter's transcript and there are no funds available from the Transcript Reimbursement Fund.] For this reason, a settled statement in lieu of a reporter's transcript is needed.

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

Dated: _____

Goldilocks, Appellant
In Propria Persona

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2 MEMORANDUM OF POINTS AND AUTHORITIES

3 Rule 8.137(b)(2) of the California Rules of Court allows an appellant to apply to the court for
4 permission to use a settled statement on appeal instead of a reporter's transcript where the appellant
5 can show: (i) a substantial cost saving will result and the statement can be settled without
6 significantly burdening opposing parties or the court; and either (ii) the designated oral proceedings
7 cannot be transcribed; or (iii) although appellant does not have a fee waiver, he or she is unable to
8 pay for a reporter's transcript and funds are not available from the Transcript Reimbursement Fund.

9 Appellant requests a settled statement for the trial in this action that took place on August 1
10 and 2, 2002. The proceedings were reported by a court reporter. The name of the court reporter is:

11 _____.

12 The declaration shows that a settled statement will result in a substantial cost saving, and the
13 statement can be settled without significantly burdening opposing parties or the court. Also,
14 [EITHER: the proceedings cannot be transcribed OR although appellant does not have a fee waiver,
15 she cannot afford to pay for a reporter's transcript and there are no funds available from the
16 Transcript Reimbursement Fund.] Without a reporter's transcript, the Court of Appeal will not be
17 able to conduct a proper review.

18 CONCLUSION

19 For these reasons, the court should make an order for a settled statement on appeal instead of
20 a reporter's transcript.

21 DATED: _____

22 _____
Goldilocks, Appellant
In Propria Persona

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24 **NOTE TO APPELLANT: Under Rule 8.137(c), if the respondent does not file a notice**
25 **electing to provide a reporter's transcript in lieu of proceeding with a settled statement,**
26 **you must serve and file a proposed statement in superior court within 30 days after the**
27 **superior court clerk sends, or a party serves, an order granting this motion. To do so,**
28 **use the form for a Proposed Statement on Appeal (Unlimited Civil Case) (at form [APP-014](#)).**