

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION THREE

IN RE: ORDER OF THE  
PRESIDING JUSTICE

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Misc. Order 2025-01

O R D E R

The adequacy of service of process has been contested in several recent writ proceedings filed by the Orange County Public Defender (OCPD), in particular with regard to timely and appropriate service of the Orange County District Attorney (OCDA). (See, e.g., G065129, G065132, G064402; see also G065163.)

Rule 1 of the Fourth Appellate District requires parties seeking immediate stays or other relief within five days of the filing of a writ petition to serve all opposing parties by: “(1) personal delivery or (2) an expeditious method consented to in advance by the party served.”

The purpose of this administrative order is to ensure that OCPD and OCDA receive prompt and effective notice of writ petitions.

Effective March 3, 2025, all writ petitions (and any accompanying documents in support of the writ petition) filed by OCPD that require service upon OCDA shall be served by email on all email addresses designated

pursuant to this order by OCDA. Such service shall occur prior to the filing of the writ petition.

Similarly, effective March 3, 2025, all writ petitions (and any accompanying documents in support of the writ petition) filed by OCDA that require service upon OCPD shall be served by email on all email addresses designated pursuant to this order by OCPD. Such service shall occur prior to the filing of the writ petition.

This order applies to all writ petitions filed in this court by OCPD or OCDA, regardless of whether the petitioner is seeking immediate relief. However, this order does not apply in cases in which a real party in interest or respondent is not represented by OCPD or OCDA.

Pursuant to this order, the parties are DEEMED to consent to service by email of all writ petitions for purposes of compliance with Rule 1 of the Fourth Appellate District. Personal service on OCPD or OCDA shall not be required.

Within 10 days of this order, OCPD and OCDA are each ORDERED to identify at least one and up to five email addresses in a letter to this court. The clerk of this court is DIRECTED to append the letters to this order and serve the order again on OCPD and OCDA once the letters are attached.

Every OCPD and OCDA attorney that signs a petition filed in this court is ORDERED to personally ensure service by email of their counterpart agency as directed by this order.

OCPD and OCDA are ORDERED to distribute a copy of this order, with the letter attachments, to every attorney in their respective offices by February 28, 2025.

The parties may jointly request that this court vacate or modify this administrative order in the event they negotiate a preferable arrangement.

O'Leary, P.J.  

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PRESIDING JUSTICE

MARTIN F. SCHWARZ  
PUBLIC DEFENDER

SARA C. NAKADA  
CHIEF DEPUTY PUBLIC DEFENDER

LAW OFFICES  
ORANGE COUNTY PUBLIC DEFENDER



JACOB D. DEGRAVE  
SENIOR ASSISTANT PUBLIC DEFENDER

JENNIFER L. NICOLALDE  
SENIOR ASSISTANT PUBLIC DEFENDER

DARREN L. THOMPSON  
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Date: 2/18/25  
To: The Court of Appeal and District Attorney  
Re: Electronic Service; Misc. Order 2025-01

Dear Justices and District Attorney:

The Public Defender consents in advance to service of writ petitions to:

[WritsAndAppeals@pubdef.ocgov.com](mailto:WritsAndAppeals@pubdef.ocgov.com)

This e-mail address should not be used to serve the Alternate or Associate Defender.

Respectfully,

Adam Vining  
Assistant Public Defender  
Supervisor, Writs & Appeals

<b>CENTRAL OFFICE</b> 801 Civic Center Drive West, Suite 300 Santa Ana, CA 92701 (657) 251-6460	<b>HARBOR OFFICE</b> 4601 Jamboree Rd. Suite 101 Newport Beach, CA 92660 (657) 251-6553	<b>JUVENILE OFFICE</b> 341 City Drive S. Suite 307 Orange, CA 92868 (657) 251-6718	<b>MENTAL HEALTH</b> 200 W. Santa Ana Blvd. Suite 800 Santa Ana, CA 92701 (657) 251-6414	<b>NORTH OFFICE</b> 1440 N. Harbor Blvd. 4th Floor Fullerton, CA 92835 (657) 251-6472	<b>WEST OFFICE</b> 14120 Beach Blvd. Suite 200 Westminster, CA 92683 (657) 251-6562
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OFFICE OF THE  
**DISTRICT ATTORNEY**  
ORANGE COUNTY, CALIFORNIA  

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TODD SPITZER

February 20, 2025

Honorable Kathleen O'Leary, Presiding Justice  
California Court of Appeal  
Fourth Appellate District, Division Three  
601 W. Santa Ana Boulevard  
Santa Ana, California 92701

RE: Misc. Order 2025-01  
LETTER

Your Honor:

In response to this Court's order of February 10, 2025, the People respectfully request that all writ petitions filed by the Orange County Public Defender that require service upon the Orange County District Attorney be served on the following email address: [appellate@ocdapa.org](mailto:appellate@ocdapa.org).

Respectfully submitted,

*/s/ David R. Gallivan*

David R. Gallivan  
Assistant District Attorney  
State Bar No. 181366  
Attorney for the People