

NOTICE OF APPEAL AND CROSS-APPEAL

A. NECESSITY OF TIMELY FILING FOR APPEAL

1. [3:1] **Notice of Appeal as First Step in Appellate Process:** Ordinarily, the first formal step in the appellate process is the filing of a notice of appeal in the superior court (CRC 8.100(a)(1), ¶3:117 ff.).
 - a. [3:2] **Invokes appellate jurisdiction:** Timely filing of the notice of appeal vests *jurisdiction* in the appellate court and, subject to certain exceptions (such as new trial motions, ¶3:75), terminates the lower court’s jurisdiction. [CCP §916; *Adoption of Alexander S.* (1988) 44 C3d 857, 864, 245 CR 1, 4-5; *Hollister Convalescent Hosp., Inc. v. Rico* (1975) 15 C3d 660, 666, 125 CR 757, 761-762; *Estate of Hanley* (1943) 23 C2d 120, 123, 142 P2d 423, 425; also see ¶7:11 ff. re matters over which trial court retains jurisdiction pending appeal]
 - b. [3:3] **Compare—request for “certification” and “motion to appeal” as first step for certain family law appeals:** As explained in *Ch. 2*, superior court *interim rulings* on *bifurcated issues* in Family Code proceedings for dissolution, nullity or legal separation (normally *not* directly appealable) may be immediately appealed pursuant to the superior court’s “certification” and the appellate court’s grant of a “motion to appeal” (Fam.C. §2025; CRC 5.392). Here, a timely request for superior court certification, followed by a timely motion to the court of appeal to accept the certification, takes the place of the usual notice of appeal for purposes of invoking appellate court jurisdiction (see ¶2:54 ff.).
 - c. [3:3.1] **Cross-refer—limited civil case appeals:** Limited civil case judgments are appealed to the appellate division of the superior court by the timely filing of a notice of appeal (CCP §§77(e), 904.2; CRC 8.820 et seq.); but, under prescribed conditions and procedures, the appeal may be transferred to the court of appeal (CCP §911; CRC 8.1000 et seq.). See *detailed discussion in Ch. 16*.
2. [3:4] **Crucial Need for Timely Filing—Jurisdictional Impact:** Notices of appeal and cross-appeal *must* be filed (i.e., ordinarily *received* by the superior court clerk, ¶3:133 ff.) within the time periods established by CRC 8.104 and 8.108. These deadlines are *jurisdictional*: i.e., *timely filing is an absolute prerequisite* to the appellate court’s power to entertain the appeal. [*Van Beurden Ins. Services, Inc. v. Customized Worldwide Weather Ins. Agency, Inc.* (1997) 15 C4th 51, 56, 61 CR2d 166, 168; *K.J. v. Los Angeles Unified School Dist.* (2020) 8 C5th 875, 881, 257 CR3d 850, 854; see *Janis v. California State Lottery Comm’n* (1998) 68 CA4th 824, 828-829, 80 CR2d 549, 551]

[3:5 — 3:5.5]

- a. [3:5] **No extension by inherent court power or party consent:** In civil cases, courts have no inherent authority to excuse a tardy notice of appeal or otherwise to extend (or shorten) the time for appeal (*but see* ¶3:6.1 *ff.*). Nor may appellate jurisdiction be conferred by party consent or stipulation, or otherwise by estoppel, waiver or forfeiture. [*Hollister Convalescent Hosp., Inc. v. Rico* (1975) 15 C3d 660, 666-667, 674, 125 CR 757, 761-762, 767; *Estate of Hanley* (1943) 23 C2d 120, 129, 142 P2d 423, 424-425; *In re J.A.* (2019) 43 CA5th 49, 54-55, 256 CR3d 340, 344-345 (disapproved on other grounds by *In re A.R.* (2021) 11 C5th 234, 251, 276 CR3d 761, 772, fn. 2); *Baker v. Castaldi* (2015) 235 CA4th 218, 225, 185 CR3d 17, 22; also see CRC 8.60(d), 8.104(b)—relief may be granted from default “for any failure to comply with these rules *except the failure to file a timely notice of appeal*” (emphasis added)]

- (1) [3:5.1] **No CCP §473(b) relief—mistake, inadvertence or accident irrelevant:** Because the appeal deadline is jurisdictional, relief to file a late appeal may not even be granted under CCP §473(b). “In the absence of statutory authorization, neither the trial nor appellate courts may extend or shorten the time for appeal, even to relieve against mistake, inadvertence, accident, or misfortune.” [*Maynard v. Brandon* (2005) 36 C4th 364, 372-373, 30 CR3d 558, 562 (internal quotes omitted); *but see* ¶3:7.10 (habeas relief for incompetence in failing to file timely appeal in proceeding to terminate parental rights)]

[3:5.2-5.4] *Reserved.*

- b. [3:5.5] **No restarting appellate clock by reentering same order/judgment, or transmitting second notice of entry, or confirming continuation of prior order:** The outside time limit to appeal (¶3:17 *ff.*) begins to run once a final appealable order or judgment is entered. The time cannot be “restarted” or extended by entering a subsequent judgment or appealable order making the same decision. [*Reyes v. Kruger* (2020) 55 CA5th 58, 69-70, 269 CR3d 549, 557-558; *Kimball Avenue v. Franco* (2008) 162 CA4th 1224, 1226, 78 CR3d 352, 353—trial court could not restart appellate deadline by vacating and reentering judgment on ground appellant never received notice of entry of judgment; *but see Meinhardt v. City of Sunnyvale* (2024) 16 C5th 643, 323 CR3d 354—order not expressly made appealable by statute does *not* start time in which to file notice of appeal; only subsequent judgment does]

Likewise, the appeal deadline running from notice of entry of an appealable order or judgment (¶3:11, 3:14) cannot be reset or extended by a second or subsequent notice of entry. [*InSyst, Ltd. v. Applied Materials, Inc.* (2009) 170 CA4th 1129, 1135, 88 CR3d 808, 811]

Nor is the time to appeal a now-final appealable order revived by the lower court’s “routine continuation” of the order without

change. [*In re Shaun R.* (2010) 188 CA4th 1129, 1139-1141, 116 CR3d 84, 91-93—juvenile court order stating “all prior orders . . . remain in effect” did not restart time to appeal prior final appealable orders; see also *Guillemín v. Stein* (2002) 104 CA4th 156, 161, 128 CR2d 65, 67—postjudgment order “confirming” sanctions award in prior final judgment did not recommence time to appeal sanctions award]

- c. [3:6] **Mandatory dismissal of untimely appeal:** Because it affects the court of appeal’s very *jurisdiction* to proceed, an untimely appeal *must* be dismissed . . . either on respondent’s motion *or the court’s own motion* (*sua sponte*). [CRC 8.104(b); *Hollister Convalescent Hosp., Inc. v. Rico* (1975) 15 C3d 660, 666-667, 125 CR 757, 762; *Estate of Hanley* (1943) 23 C2d 120, 123, 142 P2d 423, 425—“court has *no discretion* but *must* dismiss the [untimely] appeal of its own motion *even if no objection is made*” (emphasis added); see *Sanchez v. Strickland* (2011) 200 CA4th 758, 762, 133 CR3d 342, 345]

- (1) [3:6.1] **Compare—certain untimely *criminal* appeals validated by “constructive filing” doctrine:** The strict rule mandating dismissal of an untimely appeal may be relaxed in certain *criminal* cases . . . where the so-called “constructive filing” doctrine permits an untimely appeal if:

- the notice of appeal was delivered to the prison authorities within the appeal deadline (see CRC 8.25(b)(5)); *or*
- the *defendant* seeking to appeal relied on others to file the notice of appeal; *or*
- the judge misled the party seeking to appeal (either defendant or the People) into delaying the appeal. [*In re Benoit* (1973) 10 C3d 72, 86-89, 109 CR 785, 794-796—D’s late-filed criminal appeal excused based on error by D’s attorney who had agreed to file appeal; *In re Jordan* (1992) 4 C4th 116, 120, 13 CR2d 878, 880—late-filing excused where prisoner placed notice of appeal in California Department of Corrections mail service within appeal deadline; *People v. Snyder* (1990) 218 CA3d 480, 491-493, 266 CR 915, 921-922 & fn. 8 (disapproved on other grounds by *People v. DeLouize* (2004) 32 C4th 1223, 1233, 13 CR3d 302, 309, fn. 4)—People’s late-filed criminal appeal excused where People misled by trial court’s jurisdictionally-invalid reconsideration and vacation of previous order granting D’s motion for new trial; but see *In re Chavez* (2003) 30 C4th 643, 658, 134 CR2d 54, 66—no constructive filing of statement of grounds for appeal based on conduct of at-

[3:6.1a — 3:6.5]

torney who declined to represent D on appeal and did not agree to prepare or file statement]

- (a) [3:6.1a] **Narrowly construed:** But the constructive filing doctrine is narrowly construed so as not to obliterate the jurisdictional underpinnings of the timely filing rule: Fundamentally, the doctrine will *not* avoid the natural consequences of a decision not to pursue an appeal. [See *In re Ricky H.* (1992) 10 CA4th 552, 560, 12 CR2d 578, 582 (disapproved on other grounds by *In re A.R.* (2021) 11 C5th 234, 251, 276 CR3d 761, 772, fn. 2)—no relief where appellant’s failure to file timely appeal “was the result of her own deliberate decision not to pursue an appeal, not from a reasonable but disappointed reliance upon the promise of counsel to do so”]
- (2) [3:6.2] **No “constructive filing” excuse in *civil* appeals:** By contrast, except in one narrow circumstance (§3:6.4), the constructive filing doctrine has not been applied to validate late appeals in *civil* cases. [See *In re A.R.* (2021) 11 C5th 234, 253-254, 276 CR3d 761, 774 (declining to extend doctrine to dependency context, but authorizing habeas relief from untimely filing of appeal due to incompetent representation in proceeding to terminate parental rights; late filing resulted from violation of parent’s statutory right to competent counsel); and, e.g., *Wenzoski v. Central Banking System, Inc.* (1987) 43 C3d 539, 542, 237 CR 167, 168—tardy civil appeal not excused by trial court’s agreement to hear jurisdictionally invalid second new trial motion; *Ten Eyck v. Industrial Forklifts* (1989) 216 CA3d 540, 545-546, 265 CR 29, 32—tardy civil appeal not excused by attorney error; *but see* §3:7.2 *ff.* (“special circumstances” exception)]

[3:6.3] *Reserved.*

- (a) [3:6.4] **Exception—“prison delivery rule”:** The Rules of Court extend to incarcerated prisoners, in civil as well as criminal cases, the benefit of the so-called “prison delivery rule”—i.e., a paper notice of appeal from an inmate or patient in a custodial institution is timely if the envelope shows it was *mailed or delivered to custodial officials* for mailing within the appeal period even though not received by the superior court clerk until after the deadline expires. [CRC 8.25(b)(5) & Adv. Comm. Comment thereto; *Silverbrand v. County of Los Angeles* (2009) 46 C4th 106, 110, 92 CR3d 595, 597]
- (b) [3:6.5] **Distinguish—“deemed” timely filing based on clerk error:** If a paper notice of appeal is *timely presented* to the superior court clerk but the clerk *erroneously rejects it* for filing, the court of appeal may properly *deem* the notice timely filed. The appeal

cannot be dismissed as “untimely” because, but for clerk error, the notice would have been filed within the appeal deadline. [*Lezama-Carino v. Miller* (2007) 149 CA4th 55, 58-59, 56 CR3d 671, 673-674—notice delivered to clerk within appeal deadline but erroneously held for 2 days because of pending fee waiver application deemed to have been timely filed; *Rapp v. Golden Eagle Ins. Co.* (1994) 24 CA4th 1167, 1171-1173, 30 CR2d 126, 129-130—notice delivered to clerk within appeal deadline but erroneously rejected because not accompanied by transcript deposit “deemed in law” to have been timely filed; *Pangjilinan v. Palisoc* (2014) 227 CA4th 765, 769-770, 174 CR3d 114, 116-117—notice deemed timely filed on day delivered to clerk although rejected because of problem with filing fee related to notice of appeal bearing wrong case number (which appellant promptly corrected); see also ¶3:133, 3:160]

[3:6.6-6.9] *Reserved.*

- (3) [3:6.10] **Compare—equitable set-aside relief due to fraud or duress:** Although an untimely civil appeal must be dismissed, the unsuccessful appellant may obtain equitable relief from the judgment if appellant was prevented from filing a timely appeal as a result of “fraud or duress of the other party” or “circumstances over which he has no control.” [*Estate of Hanley* (1943) 23 C2d 120, 124, 142 P2d 423, 425]
- d. [3:7] **No discretion to treat late appeal as writ proceeding:** Appellate courts cannot circumvent the jurisdictional impediment to review of a late-filed appeal by treating the matter as a writ petition. If review by appeal is barred by expiration of the appeal deadline, then so is review by extraordinary writ. [*Adoption of Alexander S.* (1988) 44 C3d 857, 864-866, 245 CR 1, 4-6; see *In re Meranda P.* (1997) 56 CA4th 1143, 1161-1163, 65 CR2d 913, 924-925; *In re Issac J.* (1992) 4 CA4th 525, 534, 6 CR2d 65, 70-71 (disapproved on other grounds by *In re A.R.* (2021) 11 C5th 234, 251, 276 CR3d 761, 772, fn. 2)]
- (1) [3:7.1] **Compare—writ review of nonappealable order:** Appellate courts have discretion to entertain review of a *nonappealable* order or judgment by treating the attempted appeal as a writ proceeding (although they rarely will do so except in *unusual* circumstances); see *generally*, ¶2:7 *ff.* But they ordinarily have *no* discretion to treat an improper appeal as a petition for writ where the order was appealable and *thereafter* became *nonappealable because of the passage of time*. [*Marriage of Patscheck* (1986) 180 CA3d 800, 804, 225 CR 787, 789; but see ¶3:7.4]

[3:7.2 — 3:7.4]

- (2) [3:7.2] **“Special circumstances” exception:** Extraordinary writ review of an appealable judgment or order after the appeal deadline has passed *may* be allowed in “special circumstances constituting an excuse for failure to employ . . . [the timely appeal] remedy.” [Adoption of Alexander S. (1988) 44 C3d 857, 865, 245 CR 1, 5; see *In re A.O.* (2015) 242 CA4th 145, 149, 194 CR3d 826, 828-829—trial court’s failure in child dependency proceeding to comply with CRC 5.590(a) requirement to advise parent of right to appeal was “special circumstance” justifying treatment of untimely appeal as writ petition (see ¶2:324.2)]

But such “special circumstances” relief has been allowed only in very *narrow* situations (see generally, *Mauro B. v. Sup.Ct. (William S.)* (1991) 230 CA3d 949, 953-954, 281 CR 507, 509-510—writ review denied where petitioner failed to timely appeal appealable judgment under Uniform Parentage Act; and *Annette F. v. Sharon S.* (2005) 130 CA4th 1448, 1459-1460, 30 CR3d 914, 921-922—same re untimely appeal of attorney fee award order):

- (a) [3:7.3] **Judgment in excess of jurisdiction or violative of “fundamental constitutional rights”:** A few cases have entertained writ review after expiration of the appeal deadline where the lower court acted in excess of its jurisdiction or in violation of “fundamental constitutional rights.” [*Grinbaum v. Sup.Ct.* (1923) 192 C 528, 556-557, 221 P 635, 647—trial court exceeded jurisdiction by appointing guardian in insanity proceeding where alleged incompetent not given notice of proceeding or of application for appointment of guardian and did not appear; *Elder v. Justice Court of Third Township, Fresno County* (1902) 136 C 364, 367, 68 P 1022, 1023—trial court acted in excess of jurisdiction where petitioner not given notice of trial date or that default judgment had been entered; *In re James* (1952) 38 C2d 302, 309, 240 P2d 596, 600 (criminal case)—denial of constitutional right to counsel]
- (b) [3:7.4] **Appealability status uncertain:** And some courts have entertained writ review despite the failure to file a timely appeal where uncertainty existed respecting appealability of the order in question and earlier authority erroneously held review by appeal was not an adequate remedy or the order was not appealable. [See *Phelan v. Sup.Ct.* (1950) 35 C2d 363, 371-372, 217 P2d 951, 956 (writ review of appealable order reducing damages judgment); *Drum v. Sup.Ct.* (2006) 139 CA4th 845, 847, 852-853, 43 CR3d 279, 281, 285 (writ review of appealable monetary sanctions orders)]

- (c) [3:7.5] **Comment:** It is risky to rely on the possibility of being “saved” from a tardy civil appeal by “special circumstances.” Despite its acknowledgment of the potential exception in *Alexander S.*, supra, the Cal. Supreme Court has never defined what constitutes “special circumstances” justifying writ review as a substitute for a timely appeal in a *civil* case. [See *Mauro B. v. Sup.Ct. (William S.)* (1991) 230 CA3d 949, 953, 281 CR 507, 509]

Moreover, the Court’s statement of the “special circumstances” exception in *Alexander S.* was expressly made in the context of a *writ of habeas corpus*; and the Court went on to note the “importance” of distinguishing habeas corpus relief in a *criminal* case from the propriety of the writ in *civil* actions (here, an adoption case) where no constitutional rights are implicated. [See *Adoption of Alexander S.* (1988) 44 C3d 857, 865, 866, 245 CR 1, 5, 6]

Indeed, at least one appellate court is of the opinion that the Supreme Court in *Alexander S.* was referring *solely* to “a principle which prevails only in *criminal* actions”; this court rejects any notion that there can be a “special circumstances” exception in *civil* appeals. [See *In re Meranda P.* (1997) 56 CA4th 1143, 1164-1165, 65 CR2d 913, 926-927 (emphasis added)]

- e. [3:7.6] **Compare—habeas relief for incompetent representation in proceeding to terminate parental rights:** In a proceeding to terminate parental rights, where counsel for a parent fails to file a timely appeal in accordance with the client’s instructions, the client may seek habeas relief in the court of appeal based on the attorney’s failure to provide competent representation. [*In re A.R.* (2021) 11 C5th 234, 243, 253-257, 276 CR3d 761, 765, 774-777]
- f. [3:8] **Distinguish—entertaining appeal on premature notice of appeal:** So long as the trial court has rendered judgment or at least announced its intended ruling, an appeal may be entertained even though the notice of appeal was filed *too early* (before “entry” of the appealable judgment or order). See ¶3:52.

➡ [3:9] **PRACTICE POINTER:** Knowing that lapse of the applicable filing deadline (¶3:10 *ff.*) will be *fatal* to a potential appeal, counsel should take whatever steps may be necessary to ensure timely filing. In particular:

- Be sure to *calendar* the filing deadline as soon as it is ascertained.
- Any *extensions* of the deadline (¶3:60 *ff.*) should also be calendared immediately.

[3:10 — 3:12]

- Likewise, if you have been specially retained to handle the appeal, do not assume that the referring attorney was aware of the importance of timely filing: Before agreeing to prosecute the appeal, immediately *verify* the filing deadline.

B. FILING DEADLINES

1. [3:10] **Normally, Three Possible Deadlines:** Except as otherwise provided by law (§3:20 *ff.*) and subject to authorized extensions (§3:60 *ff.*)—including any *public emergency extension or tolling* (§3:106.5)—notice of appeal to the court of appeal from a superior court order or judgment must be filed within the applicable time period set forth in CRC 8.104(a).

There are three possible deadlines, depending on whether a party or the superior court clerk gives notice of entry of the appealable judgment or order. If more than one deadline is invoked—e.g., both the clerk *and* a party give notice of entry of judgment—the *earliest* deadline governs. [CRC 8.104(a); *Filipescu v. California Housing Finance Agency* (1995) 41 CA4th 738, 742, 48 CR2d 736, 739—second notice of entry of judgment cannot recommence CRC 8.104(a) 60-day appeal period]

The word “judgment” in these deadlines “includes an appealable order if the appeal is from an appealable order.” [CRC 8.104(e); see also CRC 8.10(4)—“ ‘Judgment’ includes any judgment or order that may be appealed”] (This Chapter therefore also uses the term “judgment” to encompass an appealable order.)

- [3:10.1] **Cross-refer—other filing deadlines:** For the applicable time periods within which to request a superior court “certification” and appellate court “acceptance” of Fam.C. §2025 appeals from interim bifurcated rulings in *family law* (domestic relations status) cases, see §2:57 *ff.* And for the applicable deadlines on appeals in *limited civil cases*, see §16:3 *ff.*

- a. [3:11] **60 days after party’s notice of entry of judgment:** The usual deadline for filing a notice of appeal is “60 days after the *party* filing the notice of appeal *serves or is served by a party* with a document entitled ‘Notice of Entry’ of judgment or a filed-endorsed copy of the judgment, accompanied by proof of service . . .” [CRC 8.104(a)(1)(B) (emphasis added)]

FORM: In general civil cases, optional Judicial Council form CIV-130 (Notice of Entry of Judgment or Order), which includes the requisite Proof of Service form, may be used and is available on the California Courts website (www.courts.ca.gov).

- (1) [3:12] **Most common deadline:** This is the most commonly applicable deadline . . . because CCP §664.5 requires “the party submitting an order or judgment for entry” to serve notice of such entry to all parties, except in certain Family Code proceedings and proceedings

where the prevailing party is not represented by counsel (¶3:37). [CCP §664.5(a)]

(2) [3:13] **Calculation of 60-day period:** See ¶3:32 ff.

b. [3:14] **60 days after clerk’s notice of entry of judgment:** Another possible deadline is “60 days after the *superior court clerk* serves the party filing the notice of appeal with a document entitled ‘Notice of Entry’ of judgment or a filed-endorsed copy of the judgment, showing the date either was served.” [CRC 8.104(a)(1)(A) (emphasis added)]

(1) [3:15] **Usually applicable only in domestic relations and pro per cases:** Superior court *clerks* are required to serve notice of entry of judgment only in Family Code dissolution, nullity and legal separation cases, actions to establish a parental relationship, proceedings where the prevailing party is not represented by counsel, or when the judge makes an order requiring notice by the clerk. [CCP §664.5(a), (b), (d); CRC 5.413; ¶3:37] Therefore, this deadline usually applies only in domestic relations and pro per cases (although clerks sometimes give notice in other cases).

(2) [3:16] **Calculation of 60-day period:** See ¶3:37 ff.

c. [3:17] **180 days after entry of judgment:** The third possible deadline is “180 days after entry of judgment.” [CRC 8.104(a)(1)(C)]

(1) [3:18] **Impact—outside limit where 60-day periods inapplicable:** This rule sets an outside limit on the time for appeal—e.g., where, for whatever reason (e.g., neglect or confusion), neither the clerk nor any party gives proper notice of entry of the judgment or appealable order. [See *Moghaddam v. Bone* (2006) 142 CA4th 283, 288, 47 CR3d 602, 605-606—180-day period applied where appellant not properly served with party’s notice of appealable order because notice mailed to correct P.O. box but wrong zip code; *Annette F. v. Sharon S.* (2005) 130 CA4th 1448, 1456, 30 CR3d 914, 918—180-day period applied where record did not contain document showing when, or if, notice of entry or copy of order was mailed by court clerk to appellant, or served by respondent on appellant; *MSY Trading Inc. v. Saleen Automotive, Inc.* (2020) 51 CA5th 395, 401, 264 CR3d 901, 905-906—180-day period applied because appealable minute order mailed by clerk was neither file-stamped nor entitled “notice of entry”; see also ¶3:18.2]

Authorized extensions of the filing period upon denial of certain post-trial motions (¶3:60 ff.) will *not* stretch the appeal deadline beyond the 180-day limit. [CRC 8.108(b), (c), (d) & (e); *Carpiaux v. Peralta Comm. College Dist.* (1989) 215 CA3d 1220, 1223, 264 CR 208, 209]

[3:18.1 — 3:22]

- (2) [3:18.1] **Date of entry of judgment:** See ¶3:43 ff.
- (3) [3:18.2] **Impact of stipulation to waive notice:** If the parties stipulated in the trial court under CCP §1019.5 to waive notice of the court order being appealed, the 180-day appeal deadline applies *unless the court or a party serves notice of entry of judgment or a filed-endorsed copy of the judgment* to start the 60-day appeal deadline under CRC 8.104(a)(1)(A) or (B). Thus, even where the parties have stipulated to a waiver of notice, the clerk or a party can trigger the 60-day deadline by giving such notice. [CRC 8.104(a)(3); see also *E.M. v. Los Angeles Unified School Dist.* (2011) 194 CA4th 736, 743-744, 125 CR3d 200, 205-206 (disapproved on other grounds by *J.M. v. Huntington Beach Union High School District* (2017) 2 C5th 648, 654-655, 214 CR3d 494, 499)]
- (4) [3:18.3] **Reference to trial court for determination whether notice was given:** For purposes of determining whether the 180-day deadline applies, the appellate court may direct the trial court to act as a *referee* to determine whether notice of entry of the judgment or appealable order was given and thus triggered a 60-day deadline. [*ABCO, LLC v. Eversley* (2013) 213 CA4th 1092, 1097, 152 CR3d 812, 815 (appellate court accepted referee’s findings that appellant had not been served with notice of entry, rendering appeal timely under 180-day deadline)]

➡ [3:19] **PRACTICE POINTER:** File the notice of appeal as soon as possible after the appealable judgment or order is rendered . . . even if the applicable deadline is not imminent. There is nothing to be gained by waiting until the eve of the deadline (except in the unlikely event the trial court ties the duration of a *temporary stay* to the date a notice of appeal is filed, in which case a judgment debtor may wish to delay filing until arrangements can be made to obtain an appeal bond or undertaking; see ¶7:63 ff.). Notably, a last-minute appeal will *not* preclude cross-appeals; quite the contrary, last-minute filing of a notice of appeal *extends the time to file cross-appeals* (¶3:100 ff.).

- 2. [3:20] **Special Statutory/CRC Deadlines:** In certain limited cases, the normal CRC 8.104(a) appeal deadlines (¶3:10 ff.) are superseded by special deadlines prescribed by statute or Judicial Council Rule. [See CRC 8.104(a)—“Unless a statute or rules 8.108, 8.702, or 8.712 provide otherwise”]

[3:21] **Examples:** Few civil actions are subject to special appeal deadlines; and most of these are relatively obscure. For example:

- a. [3:22] **Public agency “validating proceedings”:** Notice of appeal from judgments entered pursuant to public agency