

California Rules of Court, Rule 8.751. Time of filing notice of appeal

(a) Normal time

Except as otherwise provided by statute or rule 8.752, a notice of appeal shall be filed on or before the earliest of the following dates:

- (1) 30 days after the date of mailing by the clerk of the court of a document entitled "notice of entry" of judgment or appealable order;
- (2) 30 days after the date of service of a document entitled "notice of entry" of judgment or appealable order by any party upon the party filing the notice of appeal, or by the party filing the notice of appeal; or
- (3) 90 days after the date of entry of the judgment.

For the purposes of this subdivision, a file-stamped copy of the judgment or appealable order may be used in place of the document entitled "notice of entry."

(Subd (a) amended effective January 1, 2007; previously amended effective July 1, 1964, September 17, 1965, July 1, 1978, January 1, 1982, September 22, 1982, and January 1, 1991.)

(b) What constitutes entry

For the purposes of this rule:

- (1) The date of entry of a judgment shall be the date of its entry in the minute book or docket unless the entry expressly directs that a written order be prepared, signed and filed, in which case the date of entry shall be the date of filing of the signed order.
- (2) The date of entry of an order which is not entered in the minutes or docket shall be the date of filing of the order signed by the court.

(Subd (b) amended effective July 1, 1964.)

(c) Premature notice

A notice of appeal filed prior to entry of the judgment, but after its rendition, shall be valid and shall be deemed to have been filed immediately after entry. A notice of appeal filed prior to rendition of the judgment, but after the judge has announced his intended ruling, may, in the discretion of the reviewing court for good cause, be treated as filed immediately after entry of the judgment.

(Subd (c) amended effective January 5, 1953.)

Rule 8.751 amended and renumbered effective January 1, 2007; adopted as rule 122; previously amended effective January 5, 1953, July 1, 1964, September 17, 1965, July 1, 1978, January 1, 1982, September 22, 1982, and January 1, 1991.