

## California Rules of Court, Rule 8.752. Extension of time and cross-appeal

### (a) New trial proceeding

When a valid notice of intention to move for a new trial is served and filed by any party within the time in which, under rule 8.751, a notice of appeal may be filed, and the motion is denied, the time for filing the notice of appeal from the judgment is extended for all parties until 15 days after either entry of the order denying the motion or denial thereof by operation of law, but in no event may such notice of appeal be filed later than 90 days after the date of entry of the judgment whether or not the motion for new trial has been determined.

(Subd (a) amended effective January 1, 2007; previously amended effective January 5, 1953, January 2, 1962, September 17, 1965, and January 1971.)

### (b) Motion to vacate

When a valid notice of intention to move to vacate a judgment or to vacate a judgment and enter another and different judgment is served and filed by any party on any ground within the time in which, under rule 8.751, a notice of appeal from the judgment may be filed, or such shorter time as may be prescribed by statute, and the motion is denied or not decided by the trial court within 75 days after entry of the judgment, the time for filing the notice of appeal from the judgment is extended for all parties until 15 days after entry of the order denying the motion to vacate or until 90 days after entry of the judgment, whichever shall be less.

(Subd (b) amended effective January 1, 2007; previously amended effective January 5, 1953, January 2, 1962, July 1, 1964, September 17, 1965, and January 1, 1971.)

### (c) Cross-appeal

When a timely notice of appeal is filed under subdivision (a) of rule 8.751 or under subdivision (a) or (b) of this rule, any other party may file a notice of appeal within 10 days after mailing of notification by the trial court clerk of such first appeal or within the time otherwise prescribed by the applicable subdivision, whichever period last expires. If a timely notice of appeal is filed from an order granting a motion for a new trial or granting, within 75 days after entry of judgment, a motion to vacate the judgment or to vacate judgment and enter another and different judgment, any party other than the appellant, within 10 days after mailing of notification by the trial court clerk of such appeal, may file a notice of appeal from the judgment or from an order denying a motion for judgment notwithstanding the verdict, and on that appeal may present any question which he might have presented on an appeal from the judgment as originally entered or from the order denying a motion for judgment notwithstanding the verdict.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 1971; previously amended effective January 1, 1976.)

(d) Notification of cross-appeal

On the filing by a party of a notice of cross-appeal, the trial court clerk shall mail a notification thereof as provided in subdivision (b) of rule 8.750.

(Subd (d) amended effective January 1, 2007; adopted as subd (c); previously amended and renumbered effective January 1, 1971.)

Rule 8.752 amended and renumbered effective January 1, 2007; adopted as rule 123; previously amended effective January 5, 1953, January 2, 1962, July 1, 1964, September 17, 1965, January 1, 1971, and January 1, 1976.)