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WLF Urges California High Court to Resolve Uncertainty Surrounding Appellate Filing Deadline

(*State Farm v. Lara*)

“Simple, clear appeal deadlines are a key component of due process and the rule of law.”

—Corbin K. Barthold, WLF Senior Litigation Counsel

WASHINGTON, DC—On December 23, 2018 Washington Legal Foundation joined an *amicus curiae* letter urging the California Supreme Court to review a crucial matter of appellate jurisdiction. The letter was submitted by the prominent California appellate law firm Horvitz & Levy LLP.

Like most other jurisdictions, California generally follows the “one judgment rule.” To keep things simple, a party must wait for a final judgment to issue before appealing. And, to keep things simple, that party is given a clear period—typically 60 days—within which to file its notice of appeal.

In this case, State Farm filed both a civil complaint and a petition for a writ of administrative mandate. When a party files *just* a writ petition, an order granting or denying that petition constitutes a final judgment. When a party files *both* a writ petition and a complaint, however, things are less clear. The appeal deadline then turns on whether the court’s order addressing the writ petition also resolves all issues and leaves nothing else to be decided.

This system works fine so long as a court’s order is *clear*. But in this case it wasn’t, and State Farm was left in the lurch. The trial court’s order resolving the writ petition did not say whether the court would issue a further order resolving the as yet unaddressed complaint. Four months later, the court issued a judgment that explicitly resolved all issues “in full.” State Farm met the deadline for filing an appeal from that judgment. The Court of Appeal dismissed, ruling that State Farm should instead have met the deadline for filing an appeal from the earlier order.

As Horvitz & Levy and WLF explain in their letter, State Farm was in effect left to guess when it needed to file an appeal. This is not how a proper set of appeal deadlines should function. If left to stand, the Court of Appeal’s ruling will lead parties to file scores of time-consuming and inefficient protective appeals. Others, meanwhile, will suffer State Farm’s fate: punishment for failing to guess how an unclear rule will be applied from case to case. Horvitz & Levy and WLF urge the California Supreme Court to step in and stop all this from happening. The high court should make clear that, to be appealable, an order must expressly resolve all issues and leave nothing else to be decided.

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