

**COUNSEL MUST READ
AND COMPLY WITH
THIS NOTICE.**



OFFICE OF THE CLERK
Court of Appeal

STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

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March 21, 2002

NOTICE

Enclosed is the tentative opinion of a majority of the three-justice panel hearing the appeal. The court has determined that (1) the record and briefs adequately present the facts and legal arguments, (2) oral argument will not aid the decision-making process, and (3) the tentative opinion should be filed as the final opinion without oral argument in the interests of a quicker resolution of the appeal and the conservation of scarce judicial resources. Although the essential work of the court in this case has been completed, scheduling oral argument regularly delays filing of the opinion for six to ten weeks, and, if the case is continued, it can ultimately delay the filing of the opinion for up to five months until the same panel is again available. *Therefore:*

(1) ORAL ARGUMENT WILL BE DEEMED WAIVED UNLESS:

- (a) Counsel properly completes and signs the attached form,
and
- (b) The box confirming the request for oral argument is checked,
and
- (c) The clerk of this court receives the form on or before 12 days after the date of this notice. (The 5-day extension for service by mail (CCP § 1013, subd. (a)) does not apply.)

NO RELIEF FROM DEFAULT WILL BE GRANTED UNDER ANY CIRCUMSTANCES IF THE REQUEST IS NOT TIMELY RECEIVED.

- (2) No more than 15 minutes of oral argument is allowed for each party.
- (3) Counsel may not repeat arguments made in counsel's briefs.
- (4) No supplemental briefing is accepted without court order.
- (5) No continuances are permitted except by court order.
- (6) Sanctions may be imposed for noncompliance with this notice.

CALIFORNIA COURT OF APPEAL
FOURTH DISTRICT, DIVISION TWO

INSTRUCTIONS FOR REQUESTING ORAL ARGUMENT

This court mails a tentative opinion in every case with one of two different notices about oral argument.

If the court has decided that oral argument *will* aid the decision-making process, a notice has been included with the tentative opinion that the parties will be notified about 30 days in advance of the date and time of oral argument.

If the court has decided that oral argument *will not* aid the decision-making process, a 12-day notice of waiver of oral argument has been included with the tentative opinion. (Cal. Rules of Court, rule 22.1 [rule governing oral argument unless court orders otherwise].) With this kind of notice, a form to be used in waiving or requesting oral argument is also included. If, despite the court's evaluation that oral argument will not aid the decisionmaking process, you decide to request oral argument, then you must promptly and correctly fill out the included form and mail it back to this court so that it is received within 12 days of the date of the notice.

The court does not grant relief from default in failing to timely request oral argument, because the court has determined that oral argument will not assist the decisionmaking process. (Cal. Rules of Court, rule 45(e) [relief from default discretionary].) If a party has failed to timely request oral argument and objects to the final opinion, a timely petition for rehearing may be filed. (Cal. Rules of Court, rule 27.)

This procedure assists the court in timely resolving its cases, and the court thanks you for your cooperation.