APP-103

Appellant's Notice Designating Record on Appeal (Limited Civil Case)

Instructions

- This form is only for choosing ("designating") the record on appeal in a **limited civil case.**
- Before you fill out this form, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to know your rights and responsibilities. You can get form APP-101-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- This form can be attached to your notice of appeal. If it is not attached to your notice of appeal, you must serve and file this form within 10 days after you file your notice of appeal. If you do not file this form on time, the court may dismiss your appeal.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service on the California Courts Online Self-Help Center site at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the original completed form and proof of service on the other
 parties to the clerk's office for the same court that issued the judgment or
 order you are appealing. It is a good idea to take or mail an extra copy to the
 clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date nere when form is filed.

ENDORSED FILED ALAMEDA COUNTY

JUN 05 2024

CLERK OF THE SUPERIOR COURT
By ELSA CALDERON

Decuty

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of Alameda

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

23CV039291

Trial Court Case Name:

Hazzard v. City of Oakland, et al.

You fill in the appellate division case number (if you know it):

Appellate Division Case Number: 24AP076966

1 Your Information

Name: Gene Hazzard

Mailing address (if different):

Mailing address (if different):

a. Name of Appellant (the party who is filing this appeal):

b. Appellant's contact information (skip this if the appellant has a lawyer for this appeal):

Street address: 282 Adams Street, #6

Oakland
City

akland CA 94610-4147

State

Street City

Phone: (510) 418-0501 E-mail: genehazzard@gmail.com

c. Appellant's lawyer (skip this if the appellant does not have a lawyer for this appeal):

Name: _____ State Bar number: ____
Street address: _____ City State

City State Zip

Phone: E-mail: City

Fax:

State

* *		•				
Trial	Court (ase Name	e: Hazzard v. City of	`Oakland, et al.	Trial Court Case Nu 23CV039291	ımber:
Info	rmati	on Abo	ut Your Appeal			
2			ate): May 20, 2024 dentified in the box	on page 1 of this form.	I/my client filed a n	otice of appeal in the
Rec	ord o	f Oral P	roceedings in th	e Trial Court		
of the consi proce decisi	e "oral der wh eedings ion you I elect	proceedir at was sau . For exar a are appe (choose)/	ngs"). But if you wan id in the trial court, y mple, if you are clain valing, you will need My client elects to p	livision with a record of what want to raise any issue in your appearance will need to provide the appearing that there was not evidence to provide a record of the oral proceed (check a or b): al proceedings in the trial court (al that would require the a llate division with a record supporting the judgment, o roceedings.	ppellate division to d of those oral order, or other
		if I elect to review	to proceed without p any issues I might v	roviding a record of the oral proc vant to raise about what was said evidence to support the judgment	ceedings, the appellate divi	sion will not be able ose proceedings or
	b. 🗌	(choose) want to u division.	to proceed WITH a ruse and take the action I understand that if I	oceedings in the trial court (comp record of the oral proceedings in ns described below to make sure do not take the actions described ikely to succeed in my appeal.	the trial court, I have to ch this record is provided to	oose the record I the appellate
` /			following record of following below—a, i	what was said in the trial court pb, c, d, or e):	proceedings in my case (cho	eck and complete
	a. 🗌	made a re	ecord of what was sa	option is available only if there t tid in court. Check with the trial (s option. Complete (1) and (2).		
	(1)	proceedi want inc example instructi	ings in the trial court cluded by its date, the , the examination of ons], the name of the	to be included in reporter's tra- be included in the reporter's tran- e department in which it took place jurors, motions before trial, the te e court reporter who recorded the proceeding was previously prepara-	nscript. (You must identify of ce, a description of the protaking of testimony, or the ge proceedings, and whether	each proceeding you ceedings [for giving of jury
		Date	Department	Description	Reporter's Name	Prev. prepared?

Date	Department	Description	Reporter's Name	Prev. prepared?
(a)				☐ Yes ☐ No
(b)				☐ Yes ☐ No
(c)				☐ Yes ☐ No
(d)				☐ Yes ☐ No
(e)				☐ Yes ☐ No
(f)				☐ Yes ☐ No
(g)				☐ Yes ☐ No

☐ Check here if you need to list other proceedings and attach a separate page or pages listing those proceedings. At the top of each page, write "APP-103, item 4a."

ourt (Case Name: <u>I</u>	Hazzard v. City of Oakl	land, et al.	Trial Court Case Number: 23CV039291			
,	continued) 2) The proceedings designated in (1) include do not include all of the testimony in the tracourt. If the designated proceedings DO NOT include all of the testimony, state the points that you into raise on appeal. (Rule 8.834(a)(2) provides that your appeal will be limited to these points unless, on a motion, the appellate division permits otherwise.)						
			pace to list other points and write "APP-103, item 4a	d attach a separate page or pages listing those (2)."			
(3)	Certifi origina the form	ed transcripts. I have l certified transcript of mat requirements in rul	attached to this Appellant's all the proceedings I have	s Notice Designating Record on Appeal an designated in (1). The transcript complies with ules of Court. Under rule 8.834, no payment is			
(4)	Payment f (a) □ I w	or reporter's transcri	pt.	ed in (1). Within 10 days of getting the			
		\$50 for the superior co this requirement, my a File with the trial cour	ourt to hold this deposit in tappeal may be dismissed.	the transcript with the trial court, and a fee of rust. I understand that if I do not comply with ver of deposit signed by the reporter. I appeal may be dismissed.			
	app of t my	lying to the Transcript he court reporter's estin	Reimbursement Fund to parmate of the costs for this tra	ript I have designated in (1) and am therefore by for this transcipt. Within 10 days of receipt enscript, I will file with the trial court a copy of ment or reimbusement from the Transcript			
(5)	Format of (a) □ Pa (b) □ Ele			provide my copy of the transcript in:			
	recording w electronic re included by	as made of what was so ecording was made in y its date, the departmen	aid in the trial court. Check cour case before choosing t	n is available only if an official electronic with the trial court to see if an official his option. Identify each proceeding you want lescription of the proceedings, and if you know the proceedings:			
	Date	Department	Description	Electronic Monitor's Name			
(a)							
(b) (c)							
1/-1		1		l .			

Trial Court Case Name: Hazzard v. City of Oakland, et al.	Trial Court Case Number: 23CV039291
4) b. (continued)	
Check and complete (1) or (2).	
(1) I will pay the trial court clerk for this transcript myself transcript, my appeal may be dismissed.	f. I understand that if I do not pay for the
(a) With this notice designating the record on appeal, I approximate cost of transcribing the proceedings I 8.130(b)(1)(B).	
(b) Within 10 days of receipt of the clerks estimate of amount with the trial court clerk.	the cost of the transcript, I will deposit that
(2) I am asking that the transcript be provided at no cost to have attached (check (a) or (b) and attach the appropriate of the control of th	- ·
 (a) An order granting a waiver of the cost under rules (b) An application for a waiver of court fees and costs to Waive Court Fees (form FW-001). The court will are eligible for a fee waiver.) 	under rules 3.50-3.58 and 8.818(d). (Use Request
c. Copy of Official Electronic Recording. This option is avainable of what was said in the trial court, the court has a locuse of the official electronic recording itself as the record of agreed (stipulated) that they want to use the recording itself Check with the trial court to see if an official electronic recording option. You must attach a copy of your agreement (stipulated) and complete (1) or (2).	cal rule for the appellate division permitting the of the proceedings, and all of the parties have of the record of what was said in the case. Fording was made in your case before choosing
(1) I will pay the trial court clerk for this copy of the recor the cost of this copy. I understand that if I do not pay for prepared and provided to the appellate division.	
(2) I am asking that a copy of the recording be provided at cost. I have submitted the following document with thi and submit the appropriate document):	
(a) An order granting a waiver of the cost under rules	3.50–3.58 and 8.818(d).
(b) An application for a waiver of court fees and costs Request to Waive Court Fees (form FW-001). The eligible for a fee waiver.)	
OR	
d. Agreed Statement. An agreed statement is a summary of the parties. See form APP-101-INFO for information about pre-	
(1) \(\sum \) I have attached an agreed statement to this notice.	
(2) All the parties have agreed in writing (stipulated) to try	y to agree on a statement (you must attach a copy

appeal.

Revised January 1, 2021

of this agreement (stipulation) to this notice). I understand that, within 30 days after I file this notice, I

statement and a new notice designating the record on appeal, and if I do not, the court may dismiss my

must file either the agreed statement or a notice indicating the parties were unable to agree on a

(4) (continued)

OR

e.		Statement on Appeal. A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form APP-101-INFO for information about preparing a proposed statement. Check (1) or (
	(1)	☐ I have attached my proposed statement on appeal to this notice. (If you are not represented by a lawye in this appeal, you must use Proposed Statement on Appeal (Limited Civil Case) (form APP-104) to prepare and file this proposed statement. You can get a copy of form APP-104 at any courthouse or county law library or online at www.courts.ca.gov/forms.htm.)	! r
	(2)	☐ I have NOT attached my proposed statement on appeal to this notice. I understand that I must serve an file this proposed statement in the trial court within 20 days of the date I file this notice and that if I do not file the proposed statement on time, the court may dismiss my appeal.	

Record of the Documents Filed in the Trial Court

- I elect (choose)/My client elects to use the following record of the documents filed in the trial court (check a, b, or c and fill in any required information):
 - a. \boxtimes Clerk's Transcript. (Fill out (1)–(4).) Note that, if the appellate division has adopted a local rule permitting this, the clerk may prepare and send the original court file to the appellate division instead of a clerk's transcript.
 - (1) **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
(a) Notice of appeal	5/20/24
(b) Notice designating record on appeal (this document)	6/3/24
(c) Judgment or order appealed from	4/12/24
(d) Notice of entry of judgment (if any)	4/18/24
(e) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (if any)	
(f) Ruling on any item included under (e)	
(g) Register of actions or docket	5/25/24

Trial Court Case Name:	Hazzard v. City of Oakland, et al.	

Trial Court Case Number: 23CV039291

5	a.	(continued)
(•)	а.	(commuca _j

- (2) Additional documents. If you want any documents in addition to the required documents listed in (1) above to be included in the clerk's transcript, you must identify those documents here.
 - I request that the clerk include in the transcript the following documents that were filed in the trial court. (Identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

Document Title and Description	Date of Filing
(a) Plaintiff Gene Hazzard's Request for Judicial Notice In Opposition to Demurrer	2/15/24
(b) Plaintiff Gene Hazzard's Case Management Statement	4/15/24
(c)	
(d)	
(e)	

Check here if you need to list other documents and attach a separate page or pages listing those documents. At the top of each page, write "APP-103, item 5a(2)."

(3) Exhibits.

I request that the clerk include in the transcript the following exhibits that were admitted in evidence,
refused, or lodged in the trial court. (For each exhibit, give the exhibit number (such as Plaintiff's #1 or
Defendant's A) and a brief description of the exhibit, and indicate whether or not the court admitted the
exhibit into evidence. If the trial court has returned a designated exhibit to a party, the party who has
that exhibit must deliver it to the trial court clerk as soon as possible.)

Exhibit Number	Description	Admitted I	nto Evidence
		☐ Yes	☐ No
		☐ Yes	☐ No
		☐ Yes	☐ No
		☐ Yes	☐ No
		☐ Yes	☐ No

Check here if you need to list other exhibits and attach a separate page or pages listing those exhibits. At the top of each page, write "APP-103, item 5a(3)."

5 a.	(continued)
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- (4) Payment for clerk's transcript. (Check a or b.)
 - (a) I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of the transcript. I understand that if I do not pay for the transcript, it will not be prepared and provided to the appellate division.
 - (b) I am asking that the clerk's transcript be provided at no cost to me because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (i) or (ii) and submit the checked document):
 - (i) An order granting a waiver of the cost under rules 3.50–3.58 and 8.818(d).
 - (ii) An application for a waiver of court fees and costs under rules 3.50-3.58 and 8.818(d). (Use Request to Waive Court Fees (form FW-001). The court will review this form to decide if you are eligible for a fee waiver.)

OR

b. An appendix under rule 8.845.

OR

c. Agreed statement. (This option is only available if you have chosen to use an agreed statement as the record of the oral proceedings under item 4 above and you attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in 5a(1) above and in rule 8.832 of the California Rules of Court.)

Date: June 3, 2024

Gene Hazzard

Type or print your name



GENE HAZZARD, In Pro Per 1 282 Adams Street, #6 2 Oakland, CA 94610-4147 (510) 418-0501 ENDORSED 3 Email: genehazzard@gmail.com FILED ALAMEDA COUNTY Plaintiff, In Pro Per 4 JUN 05 2024 5 6 7 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA 8 9 10 CASE NO.: 23CV039291 GENE HAZZARD, an individual, and STATE OF CALIFORNIA, ex rel., 11 Assigned for all purposes to 12 Hon. Peter Borkon (Dept. 15) Plaintiffs, 13 **DECLARATION OF GENE HAZZARD RE:** v. NOTICE DESIGNATING RECORD ON 14 APPEAL CITY OF OAKLAND, et al., 15 Complaint Filed: July 28, 2023 Defendants. 16 Trial Date: TBD 17 Appellate Division Case No.: 24AP076966 18 19 I, Gene Hazzard, Declare: I am the plaintiff/appellant in this matter; 20 1. 21 I filed a Notice of Appeal on May 20, 2024; 2. I was unable to file the Notice Designating Record On Appeal within 10 days after 22 3. filing the Notice of Appeal, for the following reasons: 23 a. I was not served with a notice from the court designating the appellate 24 information until May 31, 2024—eleven days after the filing of the Notice of 25 Appeal; and 26 b. I had always believed that my case was an unlimited-jurisdiction case; however, the notice from the court informed me that it is a limited-jurisdiction 27 case. Therefore, I was unaware of which procedures I needed to follow in filing and serving the Notice Designating Record On Appeal. 28

- 1 - DECLARATION OF GENE HAZZARD RE: NOTICE DESIGNATING RECORD ON APPEAL

- 4. Given the above reasons, and the fact that this is being filed and served only a few days after the 10-day deadline, I respectfully request that the court provide the requested information specified in the Notice Designating Record On Appeal to the Appellate Division.
- 5. I believe that this Court is the correct venue in which to file this declaration; however, if this needs to be filed with the Appellate Division instead, I request that this Court forward this document to the Appellate Division for filing.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 3, 2024

Respectfully submitted,

Gene Hazzard

28

GENE HAZZARD, *In Pro Per* 282 Adams Street, #6
Oakland, CA 94610-4147
(510) 418-0501
Email: genehazzard@gmail.com
Plaintiff, *In Pro Per*

ENDORSED FILED ALAMEDA COUNTY

JUN 05 2024

ELSA CALDERON

Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

GENE HAZZARD, an individual, and STATE OF CALIFORNIA, *ex rel*.,

Plaintiffs,

V.

CITY OF OAKLAND, et al.,

Defendants.

CASE NO.: 23CV039291

Assigned for all purposes to Hon. Peter Borkon (Dept. 15)

PROOF OF SERVICE

Complaint Filed:

July 28, 2023

Trial Date:

TBD

Appellate Division Case No.: 24AP076966

PROOF OF SERVICE

I, the undersigned, am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 2550 Frances St., Oakland, CA 94601.

On June 4, 2024, I served a true and correct copy of the following document(s):

NOTICE DESIGNATING RECORD ON APPEAL; and

DECLARATION OF GENE HAZZARD RE: NOTICE DESIGNATING RECORD ON APPEAL

on the following interested parties, by causing service by the method(s) indicated below:

1	II	Allison L. Ehlert	James J. Chang
2	II	Deputy City Attorney One Frank H. Ogawa Plaza, 6th Fl.	Deputy City Attorned Berkeley City Attorned
3	II	Oakland, CA 94612 ehlert@oaklandcityattorney.org	2180 Milvia Street, Berkeley, CA 94704
4		Attorneys for Defendants/Respondents	jjchang@berkeleyca
5	City of Oakland, et al.)		(Attorneys for Defer
6	E	Bradley Russi	Berkeley City Audit
7	Deputy Attorney San Francisco City Attorney's Office		
8	City Hall, Room 234 1 Dr. Carlton B. Goodlett Pl. San Francisco, CA 94102 brad.russi@sfcityatty.org Attorneys for Defendant/Respondent San Francisco City Attorney, David Chiu		
9			
10			
11			
12			
13		U.S. Mail - By placing a copy of said	
14	X	stated above, with postage thereon fully prepaid, and deposition U.S. Postal Service, following this firm's business practices.	
15		Certified Mail, Return Receipt Requested	
16		Overnight Delivery - By placing a co	
17		overnight envelope or package and depos	siting said envelope or
18		other facility regularly maintained by the business practices.	ne express service car
19		Personal Service - By personally serving	today said document(
20		as stated above.	
21	X	Electronic Service - By electronically ser or party as stated above.	nding a copy of said do
22		of party as stated above.	
23		I declare under penalty of perjury under the	ne laws of the State of
24	foregoing is true and correct. Executed on June 3, 2024, in Oakland, C		
25			
26			mish (
27			Richard He
28			

ey rney's Office 4th Floor a.gov

endant/Respondent tor, Jenny Wong)

aled envelope addressed as ting said envelope with the nt(s) in a sealed pre-paid r package today in a box or arrier, following this firm's t(s) to the attorney or party locument(s) to the attorney

f California that the California.