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| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Anna M. Barvir FIRM NAME: Michel & Associates, P.C. STREET ADDRESS: 180 East Ocean Blvd., Suite 200 CITY: Long Beach STATE: CA ZIP CODE: 90802 TELEPHONE NO.: (562) 216-4444 FAX NO.: (562) 216-4445 E-MAIL ADDRESS: abarvir@michellawyers.com ATTORNEY FOR (name): Plaintiffs Danny Villanueva, et al. | | E-FILED 9/7/2018 FRESNO COUNTY SUPERIOR COURT By: Victoria Carbajal, Deputy |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 O Street MAILING ADDRESS: Same as street address. CITY AND ZIP CODE: Fresno, 93721-2220 BRANCH NAME: B. F. Sisk Courthouse | | |
| PLAINTIFF/PETITIONER: Danny Villanueva, et al. DEFENDANT/RESPONDENT: Xavier Becerra, et al. | | |
| APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE) | | |
| RE: Appeal filed on (date): 8/28/2018 | | SUPERIOR COURT CASE NUMBER: 17CECG03093 COURT OF APPEAL CASE NUMBER (if known): |
| Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal. | | |

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court (check a, b, c, or d, and fill in any required information):

- a. ☐ A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1) ☐ I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):
- (a) ☐ An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b) ☐ An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b. ☒ An appendix under rule 8.124.
- c. ☐ The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, and Fourth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d. ☐ An agreed statement under rule 8.134. (You must complete item 2b(2) below and 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 rule 8.134(a).)

2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed (you must check a or b below):

- a. ☐ WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

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17CECG030932. b. ☒ WITH the following record of the oral proceedings in the superior court (*you must check (1), (2), or (3) below*):(1) ☒ A reporter's transcript under rule 8.130. (*You must fill out the reporter's transcript section on page 3 of this form.*) I have (*check all that apply*):(a) ☒ Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).(b) ☐ Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).(c) ☐ Attached the reporter's written waiver of a deposit for (*check either (i) or (ii)*):(i) ☐ all of the designated proceedings.(ii) ☐ part of the designated proceedings.(d) ☐ Attached a certified transcript under rule 8.130(b)(3)(C).(2) ☐ An agreed statement. (*Check and complete either (a) or (b) below.*)(a) ☐ I have attached an agreed statement to this notice.(b) ☐ All the parties have agreed in writing (stipulated) to try to agree on a statement. (*You must attach a copy of this stipulation to this notice.*) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.(3) ☐ A settled statement under rule 8.137. (*You must check (a), (b), or (c) below.*)(a) ☐ The oral proceedings in the superior court were not reported by a court reporter.(b) ☐ The oral proceedings in the superior court were reported by a court reporter, but the appellant has an order waiving his or her court fees and is unable to pay for a reporter's transcript.(c) ☐ I am requesting to use a settled statement for reasons other than those listed in (a) or (b). (*You must attach the motion required under rule 8.137(b) to this form.*)

3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

☐ I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*):

Title of Administrative Proceeding

Date or Dates

4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

*(You must complete this section if you checked item 1a above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)*a. **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

(1) Notice of appeal

(2) Notice designating record on appeal (*this document*)

(3) Judgment or order appealed from

(4) Notice of entry of judgment (*if any*)(5) 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*)

(6) Ruling on one or more of the items listed in (5)

(7) Register of actions or docket (*if any*)

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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

- b. **Additional documents.** *(If you want any documents from the superior court proceeding in addition to the items listed in 4a. above to be included in the clerk's transcript, you must identify those documents here.)*

☐ I request that the clerk include the following documents from the superior court proceeding in the transcript. *(You must 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 |
|------|--------------------------------|----------------|
| (8) | | |
| (9) | | |
| (10) | | |
| (11) | | |
| (12) | | |

☐ Additional documents are listed on Attachment 4b beginning with number (13).

c. Exhibits to be included in clerk's transcript

☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court *(for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):*

| | Exhibit Number | Description | Admitted (Yes/No) |
|-----|----------------|-------------|-------------------|
| (1) | | | |
| (2) | | | |
| (3) | | | |
| (4) | | | |
| (5) | | | |

☐ Additional exhibits are listed on Attachment 4c beginning with number (6).

5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT

You must complete both a and b in this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.

- a. I request that the reporters provide *(check one)*:

- (1) ☒ My copy of the reporter's transcript in electronic format.
- (2) ☐ My copy of the reporter's transcript in paper format.
- (3) ☐ My copy of the reporter's transcript in electronic format and a second copy in paper format.

(Code Civ. Proc., § 271.)

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5. b. **Proceedings**

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and the name of the court reporter who recorded the proceedings [if known], and whether a certified transcript of the designated proceeding was previously prepared.)

| Date | Department | Full/Partial Day | Description | Reporter's Name | Prev. prepared? |
|-------------|------------|------------------|------------------------------------|------------------|---|
| (1) 3/1/18 | 501 | Partial | Mtn. for Prelim. Inj. and Demurrer | Rachael Espinoza | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (2) 5/25/18 | 501 | Partial | Writ of Mandate | Rachael Espinoza | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| (3) | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (4) | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

☐ Additional proceedings are listed on Attachment 5b beginning with number (5).

6. **NOTICE DESIGNATING PROCEEDINGS TO BE INCLUDED IN SETTLED STATEMENT**

(You must complete this section if you checked item 2b(3) above indicating you elect to use a settled statement.) I request that the following proceedings in the superior court be included in the settled statement. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions— and, if applicable, the name of the court reporter who recorded the proceedings [if known], and whether a certified transcript of the designated proceeding was previously prepared.)

| Date | Department | Full/Partial Day | Description | Reporter's Name | Prev. prepared? |
|------|------------|------------------|-------------|-----------------|--|
| (1) | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (2) | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (3) | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (4) | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

☐ Additional proceedings are listed on Attachment 6 beginning with number (5).

7. a. The proceedings designated in 5b or 6 ☒ include ☐ do not include all of the testimony in the superior court.

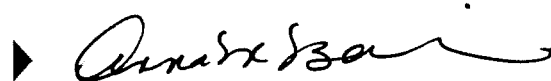
b. If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal (rule 8.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).

Points are set forth: ☐ Below ☐ On Attachment 7.

Date: 9/7/2018

Anna M. Barvir

(TYPE OR PRINT NAME)



(SIGNATURE OF APPELLANT OR ATTORNEY)

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF FRESNO

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On September 7, 2018, I served the foregoing document(s) described as:

8 **APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL**
9 **(UNLIMITED CIVIL CASE)**

10 on the interested parties in this action by placing

11 ☐ the original

12 ☒ a true and correct copy

13 thereof by the following means, addressed as follows:

14 P. Patty Li
15 patty.li@doj.ca.gov
16 Deputy Attorney General
17 California Department of Justice
18 Office of the Attorney General
19 455 Golden Gate Ave., Suite 11000
20 San Francisco, CA 94102

Attorneys for Defendants

21 _____ (BY MAIL) As follows: I am "readily familiar" with the firm's practice of
22 collection and processing correspondence for mailing. Under the practice it would be deposited
23 with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
24 California, in the ordinary course of business. I am aware that on motion of the party served,
25 service is presumed invalid if postal cancellation date is more than one day after date of deposit
26 for mailing an affidavit.

27 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by
28 electronic transmission through OneLegal. Said transmission was reported and completed without
error.

29 X (STATE) I declare under penalty of perjury under the laws of the State of
30 California that the foregoing is true and correct.

31 Executed on September 7, 2018, at Long Beach, California.

32 
33 LAURA PALMERIN