

Parts in blue print are instructions to user, not to be included in filed document unless so noted. [Parts and references in green font, if any, refer to juvenile proceedings. See Practice Note, this web page, for guidance in adapting forms to juvenile cases.]

Practice tip: A request for depublication of an opinion must be made to the Supreme Court within 30 days after the opinion becomes final in the Court of Appeal. (Cal. Rules of Court, rule 8.1125(a).) The request must not exceed 10 pages. It must state the requester's interest and explain concisely why the decision should be depublished. Serve the request on the Court of Appeal and all the parties. (Rule 8.1125(a).) The Court of Appeal or any person may respond within 10 days. (Rule 8.1125(b).)

Practice tip: Requests for depublication are discussed in chapter 7, § 7.27 of the [ADI Manual](#).

Practice Tip: If the appellant in the underlying case is petitioning for review, counsel may file this depublication request, with appropriate modifications, as a combined "me-too" amicus curiae letter under rule 8.500(g) and request for depublication under rule 8.1125.

[Letterhead]

[Date]

Mr. Frank A. McGuire, Clerk Administrator
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Re: *People v. [case sought to be depublished, including Court of Appeal number and any available citation to case]/ In re [client's first name, last initial]*
Date Opinion Filed: *[date]*
Request for Depublication (Cal. Rules of Court, rule 8.1125(a)(1))

Dear Mr. McGuire:

Appellant *[name]* requests depublication of the opinion filed on *[date]* in this case. Division *[number]* of the Fourth Appellate District held that *[state holding]*. The opinion should be depublished because *[briefly state reasons why the opinion should be depublished – e.g., it misstates the law and could cause later confusion among the trial courts]*.

STATEMENT OF INTEREST

[We / I / this organization] has an interest in this matter because [state how the decision affects author's practice of law, clients, etc.].

People v. [name]

Court of Appeal No.: *[number]*

Request for Depublication under California Rules of Court, rule 8.1125(a)(1)

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DISCUSSION

[Expand on reasons for not having opinion remain citable and binding under Auto Equity.]

[Optional:] Appellant recognizes that normally depublication by this court is and should be reserved for unusual situations in which publication of an opinion by the Court of Appeal may do harm, but the case may not otherwise be appropriate for granting review. This is such a case.

[Explain how the Court of Appeal's opinion could do harm.]

CONCLUSION

[Summarize position and relief requested.]

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for Defendant *[name]*

PROOF OF SERVICE