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Attorney for Defendant and Appellant

COURT OF APPEAL FOR THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION [NUMBER]

| | |
|--------------------------------------|--------------------------------------|
| In re [CHILD'S INITIALS]., |) Court of Appeal |
| |) No.: [CASE #] |
| A Person[s] Coming Under The |) |
| Juvenile Court Law. |) Superior Court |
| _____ |) No.: [CASE #] |
| [SPECIFIC COUNTY & AGENCY |) |
| TITLE], |) APPELLANT'S APPLICATION |
| Plaintiff and Respondent, |) TO FILE AN OPENING BRIEF IN |
| v. |) EXCESS OF LENGTH LIMIT; |
| |) DECLARATION OF [ATTORNEY] |
| [PARENT'S INITIALS] (mother/father), |) IN SUPPORT OF APPLICATION |
| Defendant and Appellant. |) |
| _____ | |

Appellant-[mother/father] [PARENT'S NAME & LAST INITIAL] CAMI C., by and through her/his counsel of record, hereby applies to the Court for permission to file an opening brief that exceeds the length limit of 25,500 prescribed by California Rules of Court, rules 8.360 (b) and 8.412 (a), for juvenile dependency appeals. [PROVIDE SPECIFIC REASONS FOR LENGTH] Appellant's position cannot be adequately stated within the limit provided by the California Rules of Court based on number of arguments in brief, length of record, complexity or novelty of legal issues, consolidation of separate appeals.

This application is based on the Declaration of [ATTORNEY NAME] attached
hereto.

DATED: _____

[ATTORNEY NAME]
COUNSEL FOR APPELLANT

DECLARATION OF [ATTORNEY NAME]

I, [ATTORNEY NAME], Esq., declare:

1. I am an attorney licensed to practice in the State of California and have been appointed by the State of California to represent appellant in this appeal.
2. Since receiving the record on appeal, I have been working diligently to prepare appellant's opening brief and the opening brief is being filed concurrently with this application.
3. I determined there were several meritorious issues touching upon claims of error that must be raised on behalf of appellant. Appellant's position cannot be adequately stated within the limit provided by the California Rules of Court, rules 8.360(b) and 8.412 (a). Accordingly, I request permission to file a brief that is 28,344 words – a word count slightly more than the limit of 25,500 words.
4. My request to file an oversized brief is prompted by the length of the record which approached 5,000 pages plus augmented record materials including augmented reporter's and clerk's transcripts, as well as the complexity of the facts and legal issues relating to appellant's claim under International Child Abduction pursuant to the Hague Convention, federal law, constitutional law, in addition to claims pursuant to California juvenile dependency law.
5. In addition, at trial, the juvenile court issued two written opinions, which each spanned nearly 100 pages. (4 C.T. pp. 811-900, 904-984.) This was further

evidence of the complexity of the case in addition to the lengthy record.

Furthermore, the trial court repeatedly noted the complexity of this case and the fact it involved international, federal, constitutional, California, and juvenile dependency law. (2 R.T. pp. 401-402; 10 R.T. p. 2139.)

6. In addition, appellant's opening brief consolidated two separate appeals – appeal numbers GO39857 and GO40159.

7. Finally, I spent a great deal of time honing the issues and editing the brief in the interest of judicial economy and in an attempt to bring the brief within the word limit. After working diligently to remove excess prose, I believe the brief cannot be reduced further without compromising appellant's rights.

8. While I ask for permission to file a brief lengthier than the limit per the rules of Court, the word count is only slightly more at 2,844 words over the limit. I assure the Court I did my best to be as concise as possible.

9. This application is made in good faith and for the reasons set forth herein and not for the purpose of delay or any other improper purpose.

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

DATED: _____

[ATTORNEY NAME]
Attorney for Appellant