

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION \_\_\_\_\_**

THE PEOPLE OF THE STATE OF  
CALIFORNIA,  
Plaintiff and Respondent,

vs.

\_\_\_\_\_,  
Defendant and Appellant.

Court of Appeal  
Nos.

Superior Court  
Nos.

**APPEAL FROM THE SUPERIOR COURT OF  
\_\_\_\_\_ COUNTY**

Honorable \_\_\_\_\_, Judge

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**APPELLANT'S REQUEST FOR  
CONSOLIDATION OF APPEALS**

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**APPELLANT'S REQUEST FOR  
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TO THE HONORABLE \_\_\_\_\_, PRESIDING  
JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF  
THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FOURTH  
APPELLATE DISTRICT, DIVISION \_\_\_\_\_:

Appellant, \_\_\_\_\_, respectfully requests

that this court consolidate the following appeals, now pending before this

court: \_\_\_\_\_.

This request is based upon the present moving papers, the supporting memorandum of points and authorities, and a declaration from appellant's appointed counsel, \_\_\_\_\_ (Exhibit A).

**STATEMENT OF CASE AND FACTS SUPPORTING  
CONSOLIDATION**

(set forth relevant procedure and facts with citations to the record and to the declaration of appellate counsel)

**MEMORANDUM OF POINTS AND AUTHORITIES IN  
SUPPORT OF CONSOLIDATION**

**I.**

**THE REVIEWING COURT HAS INHERENT  
POWER AND BROAD DISCRETION TO  
CONSOLIDATE APPEALS INVOLVING  
COMMON ISSUES OF FACT OR LAW.**

There is no express rule of court governing applications to consolidate appeals. However, California Rules of Court (hereafter “Rule(s)”), rule 8.147(a), provides that only one record need be prepared where multiple cases are resolved in a single judgment. Also, rule 8.147(b) refers to use of records from prior appeals on subsequent appeals in the same case and has been interpreted in a manner that promotes consolidation of appeals, unless it can be shown that a party would be prejudiced by consolidation. (*General Elec. Co. v. Fed. Etc., Distribution Co.* (1954) 122 Cal.App.2d 509, 511.)

Witkin is in agreement:

Where separate actions, related in subject matter and issues, are consolidated for trial (see 4 Cal.

Proc. (5th), *Pleading*, §341), or where actions separately tried are nevertheless so related, they may often profitably be considered together on appeal. So far as the reviewing court is concerned, it may without order place them on the calendar together, make use of briefs and arguments interchangeably, and write only one detailed opinion, deciding the other cases on the authority of the first. (See *infra*, §788.) An order of consolidation, however, goes further: It allows the parties to all the appeals to prepare a single record and set of briefs.

(9 Witkin, California Procedure (5th ed. 2008) Appeal, §765, p. 838.)

Here, all \_\_\_\_\_ cases were handled together at the trial level, and now all issues can adequately be addressed in a single appeal. Having only one version of each brief will promote judicial economy and reduce the public expense of appointed counsel's fees and of the respondent governmental agency.

## CONCLUSION

For the foregoing reasons, appellant requests that the two appeals, case numbers \_\_\_\_\_, be consolidated into a single case number, \_\_\_\_\_, for briefing and decision.

Dated:

Respectfully submitted,

\_\_\_\_\_  
Attorney for Appellant and Defendant

## **DECLARATION OF COUNSEL**

ATTACH PROOF OF SERVICE