

Remittitur

12. Remittitur

Remittitur is the last step of the appeal process.

After the time for review has passed in both the Court of Appeal and the California Supreme Court, the Court of Appeal issues a remittitur and sends a copy to all parties in the case or to their lawyers.

A remittitur is a document that transfers jurisdiction over the case back to the trial court. A remittitur also says if any party is eligible to recover costs from the appeal.

Here's an overview of what to expect in this step of the appeal process.

Timeline for Remittitur

The Court of Appeal generally issues a remittitur 61 days after the opinion is issued if no one challenges the opinion.

In cases where the parties agree to settle or otherwise dismiss a case, the Court of Appeal immediately issues a remittitur so that the parties can take further action in the trial court if they need to.

If there is a petition for rehearing and the Court of Appeal agrees to hear the case again, the court issues a remittitur following the rehearing.

If there is a petition for review, the Court of Appeal immediately issues a remittitur after the California Supreme Court denies a petition for review *or* when the California Supreme Court issues a remittitur after it has reviewed and decided the case.

Additional Hearings in the Trial Court

Even though the appeal process is complete, the trial court may be required to hold additional hearings to carry out the Court of Appeal's decision.

If this happens, the trial court will provide instructions to the parties about their requirements and responsibilities.

How Cost Reimbursement Works

The remittitur tells the parties if anyone is eligible to have some or all of their appeal costs reimbursed. This is usually the winning party, who is also called the prevailing party.

If you lost in the Court of Appeal

The court may order you to pay some or all of the prevailing party's appeal costs. You will be expected to pay the costs even if you had a fee waiver for your own expenses during the trial or appeal.

If you won in the Court of Appeal

A prevailing party who has the right to ask for cost reimbursement must file a memorandum of costs with the trial court.

The deadline to file a memorandum of costs is within 40 days of the date the court sends a copy of the remittitur.

A party who requests reimbursement of costs must use court form [APP-013](#), Memorandum of Costs on Appeal. The form lists costs by category – for example, filing fees or copying expenses. **Note:** this form must be served before it can be filed with the trial court.

Get a blank [memorandum of costs on appeal form APP-013](#)

What Happens Next

The appeal is complete after the Court of Appeal issues a remittitur. All parties are expected to follow the court's instructions, and to do everything the decision requires them to do – for example, pay damages or pay appeal costs.

Moving forward, the trial court handles the case and enforces the decision of the Court of Appeal. If the parties have questions after they receive the remittitur, they need to contact the trial court.

Additional Resources

[Read the full California Rules of Court about remittitur](#)

FORMS

Documents you will need for your case.