

**SAMPLE FORM L**

**MEMORANDUM OF POINTS AND AUTHORITIES FOR  
MOTION TO AUGMENT**

## MEMORANDUM OF POINTS AND AUTHORITIES FOR MOTION TO AUGMENT - INSTRUCTIONS

A Memorandum of Points and Authorities in support of your motion to augment must be attached to the motion to augment. **[NOTE: This memorandum is only a sample. You should give your own reason in paragraph 2 and your own circumstances in paragraph 3 as to why you need to augment the record and why there is no prejudice.]**

You should attach your memorandum and a supporting declaration ([Sample Form M](#)) to one of the three forms of motions to augment set forth in this manual. ([Sample Forms N, O, P.](#)) You must also attach a proof of service of all these documents. ([Sample Form C.](#)) These should all be stapled together in one document, with the caption page of the motion to augment in front.

### **Filling out the Memorandum of Points and Authorities Form:**

- (1) Today's date.
- (2) Your signature.
- (3) Type or legibly print your name.

**File:** Original plus 1 copy of:

Motion to Augment ([Sample Form N, O, or P](#))  
Memorandum of Points and  
Authorities ([Sample Form L](#))  
Declaration ([Sample Form M](#))  
Proof of Service ([Sample Form C](#))

Provide an extra copy to be file-stamped  
for your file.

**Serve:** Superior Court  
All counsel  
All self-represented parties

## MEMORANDUM OF POINTS AND AUTHORITIES

### AUGMENTATION SHOULD BE ORDERED TO ALLOW APPELLANT TO RECEIVE FULL AND FAIR APPELLATE REVIEW

Rule 8.155(a) of California Rules of Court permits the augmentation of the appellate record and specifically under Rule 8.155(a)(1) allows a certified transcript or document not designated under Rule 8.130 to be augmented and permitted. It is well established that this rule is to be construed liberally. (*People v. Brooks* (1980) 26 Cal.3d 471, 484.)

The need for augmentation here is compelling. Appellant believes the trial court erred in granting summary judgment based on its own determination of the credibility of conflicting declarations. The issue can only be reviewed on appeal if the reporter's transcript of the court's comments before ruling is part of the appellate record.

Not only is augmentation necessary, it will not prejudice any party. The augmentation request concerns documents which were all part of the record. Additionally, the augmentation will not cause a substantial delay in this appeal.

### CONCLUSION

For the above reasons, this Court should order the record to be augmented on appeal by including the reporter's transcript or document(s) requested in this motion.

Dated: (1) \_\_\_\_\_

Respectfully Submitted,

(2) \_\_\_\_\_  
Signature

(3) \_\_\_\_\_  
Type or Print Name