



The Court of Appeal held that a ruling denying a petition for writ of mandate constitutes the final judgment in the case and triggers the 60-day period for filing an appeal. *Meinhardt v. City of Sunnyvale*, 76 Cal.App.5th 43 (2022).



Plaintiff sought a writ of administrative mandamus challenging his suspension for engaging in speech critical of policies implemented by a City of Sunnyvale official. After a telephonic hearing, on August 6, 2020, the trial court issued an order denying plaintiff's petition. On August 14, the City electronically served plaintiff with a document titled "Notice of Entry of Judgment or Order," together with a copy of the August 6 order. On September 25, 2020, the court clerk filed a document signed by the trial court entitled "Judgment," which stated that judgment was issued for the City pursuant to the court's August 6th order. On October 15, 2020, plaintiff filed a notice of appeal from the September 25, 2020 judgment. The appellate court held that the appeal was untimely because it had not been filed within 60 days of service of the August 6th order. Plaintiff argued that his appeal was timely because it was filed within 60 days of entry of judgment, and Code of Civil Procedure section 904.1 provides that an appeal may be taken from "a judgment." The court, however, relied on prior caselaw holding that a ruling granting or denying a petition for a writ of mandate is "in effect" a final judgment because it finally determines the rights of the parties, and is therefore appealable, even if in the form of an order. The trial court's August 6th ruling denied the petition for writ of administrative mandate in its entirety and did not contemplate any further action in the case. Although the ruling was entitled "order," not "judgment," the court noted that was "not the form of the decree but the substance and effect of the adjudication which is determinative." The August 6 ruling was "properly treated as a final judgment because it contemplated no further action, such as the preparation of another order or judgment, and disposed of all issues between all parties." Because the notice of appeal was filed more than 60 days after service of the order, it was untimely and the court therefore lacked jurisdiction to consider the appeal.

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