

Once an appeal is dismissed by the Court of Appeal, appellant's only recourse is to request the Court to vacate its order and reinstate the appeal. [Sanders v. Warden, 106 Cal. App. 2d 707, 708 (1951).] A motion to vacate a dismissal and permit a cure of default will not lie unless appellant demonstrates good cause under Code of Civil Procedure section 473. [Id.] Section 473 permits the Court to "relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." Relief is mandatory if appellant's application is accompanied by an attorney's sworn affidavit admitting mistake, inadvertence, surprise or neglect, unless the Court determines that the dismissal was not the attorney's fault. [C.C.P. § 473.]