

How to Prepare and File a Motion

Civil Self-Help Services

Hall of Justice
813 6th Street
Room 117, First Floor
Sacramento, CA 95814



What is a Motion?

A motion is the way you ask the Court to make an order in your case. With a motion, you can for example, request the Court make an order to pay a judgment in installments, require the opposing party answer questions related to discovery, or set aside a default judgment.

Many motions require you give the opposing party notice of the hearing at least 16 court days before the date of the hearing. "Court days" are the same as business days, and only include days the Court is actually in session. (Do not count weekends or holidays.) If you serve the opposing party by mail within California, add 5 additional calendar days to the notice period.

Cost to File a Motion

If you do not have a fee waiver, a filing fee of \$60 (for most motions) is due at the time of filing.

Documents to File

Generally you will file the following:

Notice of Motion. This document tells the other party the time, date, and place of the hearing, the nature of the order being sought, the grounds for the motion, the Court's tentative ruling procedure, and the documents and other items that support the motion.

Memorandum of Points and Authorities In Support. A supporting memorandum must contain the following:

- A statement of facts;
- A concise statement of the law;
- The evidence and argument relied on;
- A discussion of the statutes, cases, and textbooks cited in support of the position being advanced.

Declaration. The Declaration is a written statement used to present facts and evidence to the Judge. The Declaration is made and signed under penalty of perjury.

Proof of Service: This document tells the Court when and how you provide the motion and supporting documents to the other side.

BE SURE to check all rules regarding the particular motion you are filing for additional and specific requirements.

Format of Documents

Court papers must be in the format required by Rules of Court 2.100-2.119. Some requirements include: being written on 28-line "pleading paper," the first page must display a caption containing specific information, each line must be numbered, each page must have a footer with the page number and title of the document. Type style and size, margins, and line spacing are all specified in the Rules of Court.

A Word template for "pleading paper" can be found on the Sacramento County Public Law Library's website [HERE](#).

How to File the Motion

Provide the original and one copy for the Court's use. Include a second copy of all documents if you would like to receive a copy back for your records.

Your documents should be assembled with the original motion (unbound with no staples) on top, and any copies beneath that. Do not staple the original, because it will be scanned.

If you have attached exhibits, prepare one copy for the Judge with tabbed insert sheets. **DO NOT TAB THE ORIGINAL**- it needs to be scanned.

When are Motions Heard?

Department 54's calendar is heard Tuesday through Thursday at 9:00am.

Department 53's calendar is heard Tuesday through Thursday at 1:30pm.

How to set a Hearing Date

To reserve a hearing date call: Department 53 at (916) 874-7858 or Department 54 at (916) 874-7848. Special reserved hearings are not set on Wednesdays.

The following motions require a special reservation before you file:

- Demurrer
- Motion for Summary Judgment/Adjudication (\$500 filing fee)
- Motion for Judgment on the Pleadings
- Special Motion to Strike (SLAPP)

Where to file the Motion

Most pre-trial motions are filed in Dept. 53 or 54. Take your documents to the filing counter at 813 6th Street, Room 212 on the 2nd floor.

Dept. 47 hears the following motions: Advance Trial, Bifurcation, Change Venue, Consolidate, Continue Trial, Intervene, For Preference, Sever, Vacate Trial Setting Program Date, Vacate Trial Date, Petition for Lottery Assignment.

Call Dept. 47 to schedule a hearing date before filing documents- (916) 874- 5487

Motions for Dept. 47 can be drop-boxed on the 8th Street entrance of the main courthouse at 720 9th Street, Sacramento, CA 95814.

Hours

Mon	Tue	Wed	Thu	Fri
8:30-12:00	8:30-12:00	8:30-12:00	8:30-12:00	8:30-12:00
1:30-4:00	1:30-4:00	1:30-4:00	CLOSED	1:30-4:00

Hours subject to change based on staff availability.

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