



# Federal *Pro Se* Clinic

## CENTRAL DISTRICT OF CALIFORNIA

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### ▣ How to Submit a Motion ▣

A motion is a formal request to the Court. To file a motion in the U.S. District Court for the Central District of California, you will need to prepare the following documents:

- 1) Notice of Motion and Motion
- 2) Memorandum of Points and Authorities in Support of Motion
- 3) Declaration in Support of Motion
- 4) (Proposed) Order
- 5) Proof of Service by Mail

A sample of each document you need for a motion is included in this packet.

### Description of Each Document

#### 1) **Notice of Motion and Motion**

The Notice of Motion and Motion explains to the Court what you are asking the Court to do.

#### 2) **Memorandum of Points and Authorities in Support of Motion**

The Memorandum of Points and Authorities includes any legal authorities and arguments that support your motion. The Memorandum of Points and Authorities must not exceed **25 pages**.

#### 3) **Declaration in Support of Motion**

A Declaration is a sworn statement to the Court where you write the facts that support your motion.

#### 4) **(Proposed) Order**

This is an Order for the judge to sign if he or she wants to grant your motion. You do not sign the proposed order—instead, you leave a space for the judge’s signature.

#### 5) **Proof of Service by Mail**

In this document, you or someone else will swear to the Court that you have mailed a copy of the motion documents to the opposing counsel.

## **Meeting and Confering with Opposing Counsel Prior to Filing Your Motion**

Before filing a motion, you must call counsel for the opposing party to discuss and try to resolve the issue that has led to the need for a motion. You must talk to counsel for the opposing party at least **7 days** before filing the motion. You will include the date on which you talked to opposing counsel in the last paragraph of your Notice of Motion and Motion and in your Declaration.

The purpose of this rule is to encourage parties to resolve problems without having to resort to a formal motion. Do not be afraid to ask opposing counsel to agree to whatever it is you are asking for in your motion. If the opposing counsel says no, explain that you will then be filing a formal motion with the Court.

## **Scheduling a Hearing Date**

When you file a written motion, you must propose a hearing date—a date on which you and the other party or the party’s lawyer must appear before the judge assigned to your case to orally argue about the motion. In the Central District of California, the date must be at least **31 days** after the date you file the motion and serve a copy by mail. You will write this date under the title of your motion (see the sample on the next page). **Note, however, that judges will often move a scheduled hearing date or cancel the hearing altogether and decide the motion based only on the written documents.**

To schedule a motion date, you must look at your judge’s schedule and find out when the judge hears civil motions. To find this information online, do the following:

- 1) Go to the Central District’s website, at <http://www.cacd.uscourts.gov>.
- 2) On the central navigation bar of the website, click on the link “Judges’ Requirements” and then click on “Judges’ Procedures and Schedules.”
- 3) Click on your judge’s name.
- 4) Read your judge’s procedures, and look for the day that he or she hears civil motions. For example, your judge may hear civil motions every Monday at 1:30 p.m. If that is the case, you must propose a hearing date on a Monday that is 31 days or more after the day you file your motion.
- 5) Towards the beginning of each judge’s page, there is a link that says, “Click here to view Closed Motion Dates.” That page lists the dates on which each judge will **not** be hearing motions. Click that link to make sure that you are not scheduling a hearing on a closed motion date.

If you do not have internet access, you should call the court room deputy (CRD) for the judge assigned to your case.

## Formatting Your Motion

By following the instructions below, you will comply with the format requirements of the Local Rules for the Central District of California:

- 1) **Pleading Paper:** Motions must be written on pleading paper. "Pleading paper" is letter-sized (8.5" x 11") paper that has the numbers 1-28 typed down the left-hand side. You can download a template for pleading paper in Microsoft Word format at Public Counsel's website:
  - <http://www.publiccounsel.org/featured?id=0003>
  - Under the "Forms" section, click the link that says "Pleading Paper."
- 2) **Font and Margins:** 14 pt size font (suggested fonts: Times New Roman or Arial); 1-inch margins.
- 3) **Name and Contact Information:** Starting on Line 1, write your name, address, and phone number. Write "Plaintiff in Pro Per" or "Defendant in Pro Per" underneath your personal information.
- 4) **Line 8 or below:** Type the name of the court (UNITED STATES DISTRICT COURT). On the next line, write the district name (CENTRAL DISTRICT OF CALIFORNIA).
- 5) **Party Names:** Below the name of the court and district, write the names of the plaintiff and the defendant(s).
- 6) **Case Number:** Your case number goes to the right of the party names. Be sure to include all of the letters that make up the judges' initials.
- 7) **Title of Document:** Under the Case Number, write the title of your document. For example, if you are moving to dismiss a case filed against you, your title would be, "Notice of Motion and Motion to Dismiss."
- 8) **Hearing Information:** For your Notice of Motion, Memorandum of Points and Authorities, and Declaration, you should include your proposed hearing date, time, judge, and courtroom below the title of your document.
- 9) **Date and Signature:** When you have finished writing your motion or supporting document, write the date, your signature and print your name.
- 10) **Footer and Page Numbers:** Type the title of your document in the footer. Be sure to number every page.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p style="text-align: right;">FILED Nov. 19, 2009</p> <p>Name Email Address Address Line 1 Address Line 2 Phone Number Defendant in Pro Per</p> <p style="text-align: center;"><b>UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA</b></p> <p>Plaintiff's Name, Plaintiff, vs. Defendant's Name, Defendant.</p> <p style="text-align: right;">Case No.: CV 1-1 PA (SSx)</p> <p style="text-align: center;"><b>Notice of Motion and Motion to Set Aside Default Judgment Pursuant to FRCP 60(b)</b></p> <p style="text-align: center;"><b>Hearing Date: Dec. 21, 2009 Time: 1:30 pm Judge: Percy Anderson Courtroom: 15</b></p> <p style="text-align: center;"><b>TO THE HONORABLE COURT AND TO ALL PARTIES:</b></p> <p style="text-align: center;">PLEASE TAKE NOTICE that on Monday, December 14, 2009, at 1:30 pm, or as soon thereafter as this matter may be heard in the above-entitled Court located at 312 N. Spring St., Los Angeles, CA 90012, [Defendant's name], the Defendant in this case, will move this Court to set aside the default judgment against</p> <p style="text-align: right; font-size: small;">Notice of Motion and Motion <span style="float: right;">1</span></p>	<p>The hearing date must be 31 days or more after the day you file and serve by mail.</p>
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Federal Pro Se Clinic • Roybal Courthouse • 255 East Temple Street, Suite 170 • Los Angeles, CA 90012 • (213) 385-2977 ext. 270  
Open on most Mondays, Wednesdays, and Fridays. By appointment only.

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## **Filing and Serving Your Motion**

When you have completed your motion, you must file it with the Civil Intake Division of the courthouse in which the judge who is hearing your motion is located. File **1 original** and **2 copies** of each document with the Civil Intake Division. In addition, send **1 copy** of each document to the opposing counsel by mail on the same day that you file.

You may file your motion with the Court in person or by mail. Keep in mind that mailing your motion may delay the date on which it is filed. The addresses for the Civil Intake Division for the Central District of California courthouses are as follows:

### **LOS ANGELES**

United States Courthouse  
Central District of California  
255 East Temple St., Ste TS-134  
Los Angeles, CA 90012

### **SANTA ANA**

United States Courthouse  
Central District of California  
Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701-4516

### **RIVERSIDE**

United States Courthouse  
Central District of California  
Eastern Division  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

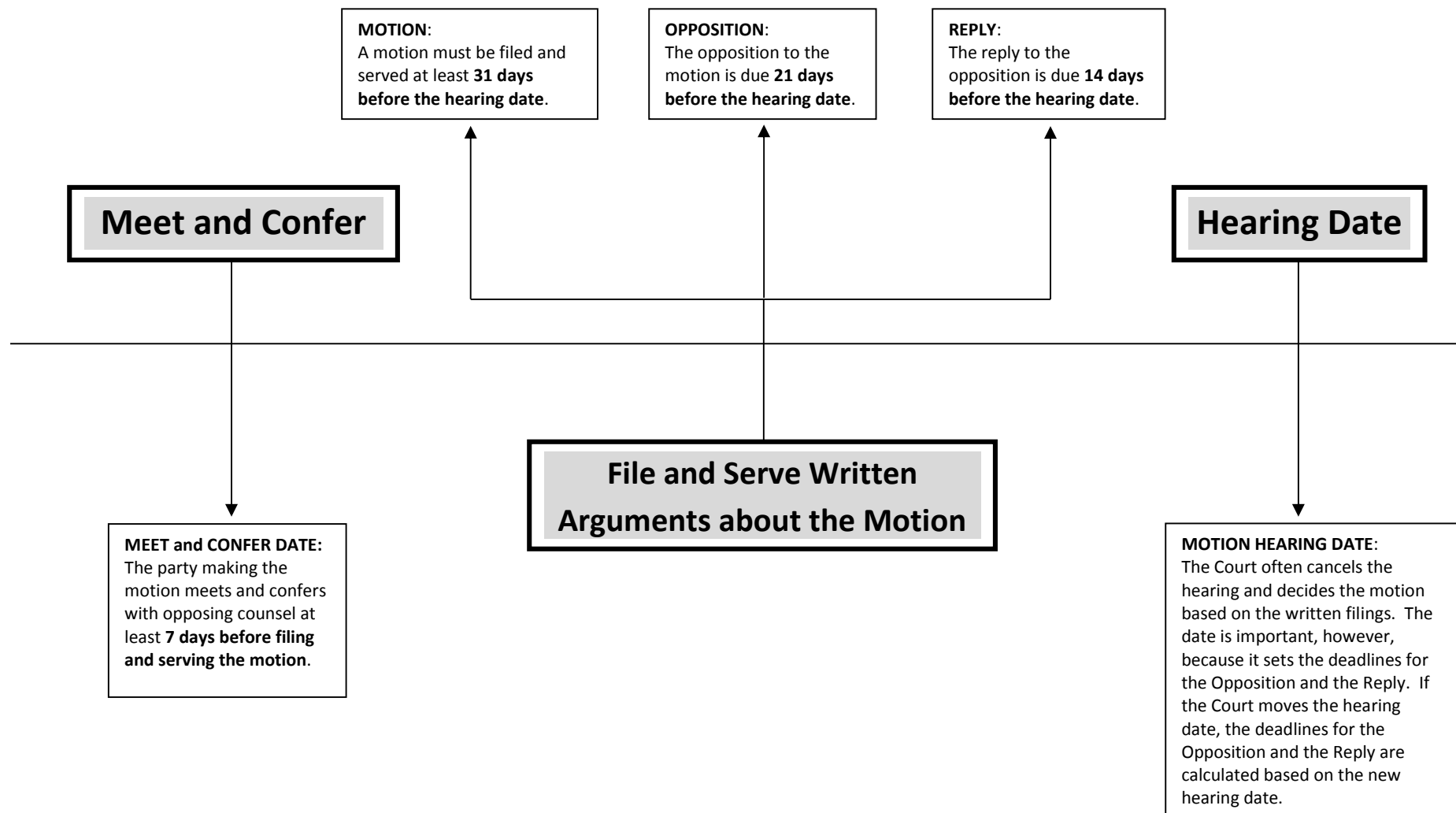
## **Response Deadlines**

Any opposition to a motion must be filed no later than **21 days before the motion hearing date**. The person who made the motion is not required to reply to an opposition. Those who wish to reply, however, must do so no later than **14 days before the motion hearing date**. You may title the reply, "Reply to Opposition to Motion to (insert the title of your motion)."

A reply should be short. Some judges impose page limits on replies. Be sure to read any orders issued by your judge carefully to make sure you are complying with your judge's rules.



# Typical Motion Timeline in the Central District of California



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(Full Name)  
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(Email Address)  
\_\_\_\_\_  
(Address Line 1)  
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(Address Line 2)  
\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_ in Pro Per  
(indicate Plaintiff or Defendant)

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Case No.: \_\_\_\_\_

\_\_\_\_\_ ,

Plaintiff,

vs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ,

Defendant(s).

\_\_\_\_\_ 's  
(indicate Plaintiff or Defendant)

**NOTICE OF MOTION AND  
MOTION** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**Hearing Time:** \_\_\_\_\_

**Judge:** \_\_\_\_\_  
(Judge's name)

**Place:** \_\_\_\_\_  
(courtroom number)

**TO THE HONORABLE COURT AND TO ALL PARTIES:**

PLEASE TAKE NOTICE that on \_\_\_\_\_ at \_\_\_\_\_ ,  
(date) (time)

or as soon thereafter as this matter may be heard in the above-entitled Court

located at \_\_\_\_\_ ,  
(address of the Court in which the motion is being made)

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\_\_\_\_\_, the \_\_\_\_\_  
(your name) (indicate Plaintiff or Defendant)

in this case, will move this Court to: \_\_\_\_\_  
(describe the nature of your motion)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**This motion is based upon the following documents:**

\_\_\_\_\_  
(list the documents, such as a Memorandum of Points and Authorities and a Declaration, that support your motion)  
\_\_\_\_\_  
\_\_\_\_\_.

the complete files and records in this action, and upon such oral and documentary evidence as may be allowed at the hearing of this motion.

This motion is made following the conference of counsel pursuant to L.R.

7-3 which took place on \_\_\_\_\_.  
(date)

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
(sign)  
\_\_\_\_\_  
(print name)  
\_\_\_\_\_ in Pro Per  
(indicate Plaintiff or Defendant)

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\_\_\_\_\_ in Pro Per  
(indicate Plaintiff or Defendant)

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

\_\_\_\_\_,  
Plaintiff,  
vs.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_,  
Defendant(s).

Case No.: \_\_\_\_\_

**MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
OF MOTION**\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**Hearing Time:** \_\_\_\_\_

**Judge:** \_\_\_\_\_  
(Judge's name)

**Place:** \_\_\_\_\_  
(courtroom number)







**II. ARGUMENT**

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**III. CONCLUSION**

For the reasons stated above, this Court should \_\_\_\_\_

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Dated: \_\_\_\_\_

*Sign:* \_\_\_\_\_

*Print Name:* \_\_\_\_\_

\_\_\_\_\_ in pro per

*(indicate Plaintiff or Defendant)*

1 \_\_\_\_\_ (Full Name)  
2 \_\_\_\_\_ (Email Address)  
3 \_\_\_\_\_ (Address Line 1)  
4 \_\_\_\_\_ (Address Line 2)  
5 \_\_\_\_\_ (Phone Number)

6 \_\_\_\_\_ in Pro Per  
7 (indicate Plaintiff or Defendant)

8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11  
12 \_\_\_\_\_,  
13 **Plaintiff,**  
14 **vs.**  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_,  
18 **Defendant(s).**

Case No.: \_\_\_\_\_

**DECLARATION IN SUPPORT OF  
MOTION** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**Hearing Time:** \_\_\_\_\_

**Judge:** \_\_\_\_\_  
(Judge's name)

**Place:** \_\_\_\_\_  
(courtroom number)

24  
25 I, \_\_\_\_\_, declare as follows:  
26 (print name)

27 1. I am the \_\_\_\_\_ in the above-entitled case.  
28 (indicate Plaintiff or Defendant)

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2. I have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.

3. I discussed and attempted to resolve the issues raised in this motion with the opposing counsel in this case on *(date)*: \_\_\_\_\_.

4. \_\_\_\_\_

5. \_\_\_\_\_

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12. \_\_\_\_\_

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14. \_\_\_\_\_

15. \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, in \_\_\_\_\_.

(date of signing)

(city, state of signing)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name)

\_\_\_\_\_ in Pro Per  
(indicate Plaintiff or Defendant)



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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

\_\_\_\_\_,  
Plaintiff,  
vs.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_,  
Defendant(s).

Case No.: \_\_\_\_\_

**(PROPOSED) ORDER GRANTING  
MOTION** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Having considered \_\_\_\_\_'s Motion and finding good cause therefore,  
(indicate Plaintiff or Defendant)

**IT IS HEREBY ORDERED** that \_\_\_\_\_'s Motion  
(indicate Plaintiff or Defendant)

\_\_\_\_\_  
(describe your motion)

is GRANTED.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Hon. : \_\_\_\_\_  
(Judge's name)

1 \_\_\_\_\_ (Full Name)  
2 \_\_\_\_\_ (Email Address)  
3 \_\_\_\_\_ (Address Line 1)  
4 \_\_\_\_\_ (Address Line 2)  
5 \_\_\_\_\_ (Phone Number)

6 \_\_\_\_\_ in Pro Per  
7 (indicate Plaintiff or Defendant)

8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Case No.: \_\_\_\_\_

12 \_\_\_\_\_,  
13 Plaintiff,  
14 vs.  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_,  
21 Defendant(s).

**PROOF OF SERVICE BY MAIL**

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23 I, \_\_\_\_\_, declare as follows:  
24 (name of person serving documents)

25 My address is \_\_\_\_\_  
26 \_\_\_\_\_, which is located in the  
27 county where the mailing described below took place.  
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On \_\_\_\_\_, I served the document(s) described as:  
(date of mailing)

\_\_\_\_\_  
(list the names of the documents you are mailing)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on all interested parties in this action by placing a true and correct copy thereof in a sealed envelope, with first-class postage prepaid thereon, and deposited said envelope in the United States mail at or in \_\_\_\_\_,  
(city and state of mailing)

addressed to:

_____ (name)	_____ (name)
_____ (address)	_____ (address)
_____ (address)	_____ (address)
_____ (address)	_____ (address)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_.  
(date) (city and state of signing)

\_\_\_\_\_  
(sign)

\_\_\_\_\_  
(print name)

4850-9234-4859, v. 3