



Federal *Pro Se* Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DISTRICT

▣ How to Oppose a Motion ▣

Under the Local Rules of the U.S. District Court for the Central District of California, any opposition to a motion must be filed no later than **21 days before the hearing date** set for the motion. If you do not oppose a motion, the Court is free to grant it. To oppose a motion, you will need to prepare the following documents:

- 1) Memorandum of Points and Authorities in Opposition to Motion
- 2) Declaration in Support of Opposition to Motion
- 3) Proof of Service by Mail

A sample of each document you need for an opposition is included in this packet.

Description of Each Document

1) Memorandum of Points and Authorities in Opposition to 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 **7000 words**. If you choose to handwrite your Memorandum of Points and Authorities, it may not exceed **25 pages**. For more information about formatting the length of your Memorandum of Points and Authorities, please refer to Central District Local Rule 11-6.1.

2) Declaration in Support of Opposition to Motion

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

3) 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 opposition documents to the opposing counsel.

The Hearing Date

The party making the motion ("the moving party") must set a hearing date for the motion. As explained above, the deadline to oppose the motion is **21 days before the hearing date**. The date, time, and location of the hearing should be listed on the first page of each motion document, just underneath the title of the motion. When you file your opposition, you should list the same hearing information on each of your opposition documents (see the sample on the next page). **Note, however,**

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.

THE FEDERAL PRO SE CLINIC IS A PROJECT OF PUBLIC COUNSEL, A NON-PROFIT PUBLIC INTEREST LAW FIRM.

that judges will often move a scheduled hearing date or cancel the hearing altogether and decide the motion based only on the written documents.

Formatting Your Opposition

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**: Oppositions 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, Margins, and Spacing**: 14 pt size font (suggested fonts: Times New Roman or Arial); 1-inch margins; double-spaced.
- 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 opposing a motion, your title would be, "Opposition to Motion (insert title of motion)."
- 8) **Hearing Information**: You should include the motion hearing date, time, judge, and courtroom below the title of each opposition document.
- 9) **Date and Signature**: When you have finished writing your opposition documents, write the date, your signature and your name.

1	Name	FILED	The hearing information should be the same as the information listed in the motion documents, unless the Court changes the hearing date.
2	Address Line 1	Nov. 30, 2009	
3	Address Line 2		
4	Phone Number		
5	Plaintiff in Pro Per		
6			
7			
8	UNITED STATES DISTRICT COURT		
9	CENTRAL DISTRICT OF CALIFORNIA		
10	Plaintiff's Name,)	Case No.: CV 1-1 PA (SSx)
11	Plaintiff,)	
12	vs.)	Memorandum in Opposition
13	Defendant's Name,)	to Motion to Dismiss
14	Defendant.)	Pursuant to FRCP 12(b)(6)
15)	
16)	Hearing Date: Dec. 21, 2009
17)	Time: 1:30 pm
18)	Judge: Percy Anderson
19)	Courtroom: 15
20	I. INTRODUCTION		
21	Plaintiff respectfully submits this Opposition to Defendant's		
22	Motion to Dismiss Pursuant to FRCP 12(b)(6) for failure to state a		
23	claim upon which relief could be granted. Plaintiff has pleaded		
24	sufficient facts to state a claim under 42 U.S.C. § 1983. Moreover,		
25			
26			
27			
28			

Memorandum in Opposition 1

- 10) **Footer and Page Numbers:** Type the title of your document in the footer. Be sure to number every page.

Meet and Confer Requirement

Before filing a motion, the moving party must call the opposing party (or, if the opposing party has counsel, the opposing party's counsel) to discuss and try to resolve the issue that has caused the moving party to consider filing a motion. The moving party must meet and confer with the opposing party at least **7 days** before filing the motion. The purpose of this rule is to encourage parties to resolve problems without having to resort to a formal motion. If the moving party never attempted to meet and confer with you about the motion that you are opposing, you may note that in your opposition to the motion.

Filing and Serving Your Opposition

When you have completed your opposition, you must file it with the Civil Intake Division of the courthouse in which the judge who is hearing the motion is located. The Civil Intake Division requires **1 original** and **1 copy** of each document you wish to file. 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 opposition with the Court in person or by mail. Keep in mind that mailing your opposition 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

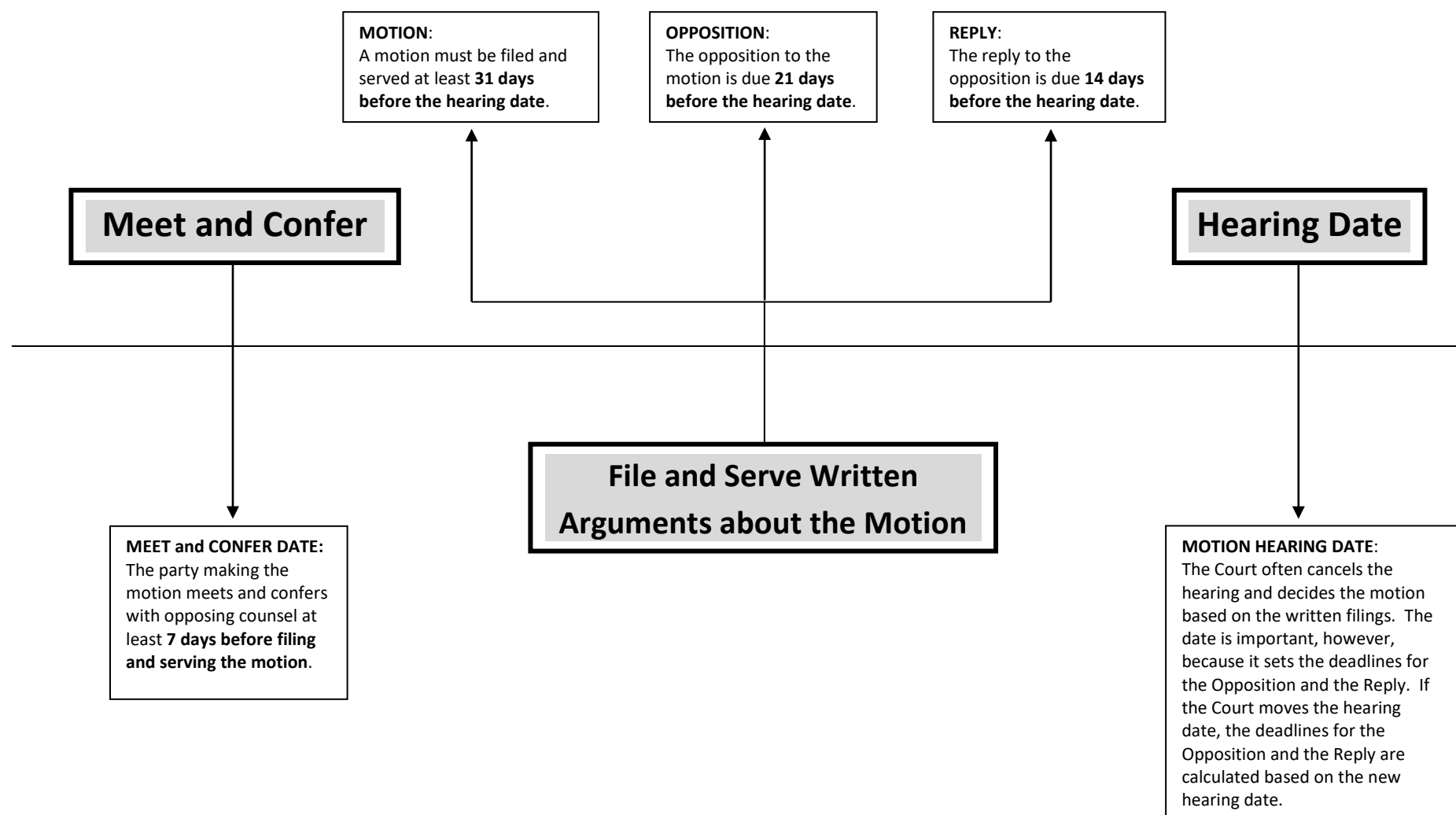
United States Courthouse
Central District of California
Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Reply Deadline

The moving party may file a reply to your opposition. The deadline to file a reply is **14 days before the motion hearing date**. You **may not** file a response to a reply without permission from the Court.



Typical Motion Timeline in the Central District of California



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.

THE FEDERAL *PRO SE* CLINIC IS A PROJECT OF PUBLIC COUNSEL, A NON-PROFIT PUBLIC INTEREST LAW FIRM.

(Full Name)

(Email Address)

(Address Line 1)

(Address Line 2)

(Phone Number)

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
OPPOSITION TO MOTION**

Hearing Date: _____

Hearing Time: _____

Judge: _____
(Judge's name)

Place: _____
(courtroom number)

I. INTRODUCTION

[illegible]

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

II. ARGUMENT

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

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

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

III. CONCLUSION

For the reasons stated above, this Court should _____

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

10 _____,
11 Plaintiff,
12
13 VS.
14 _____
15 _____
16 _____,
17 Defendant(s).

Case No.: _____

_____'s
(indicate Plaintiff or Defendant)

**DECLARATION IN SUPPORT OF
OPPOSITION TO MOTION _____**

Hearing Date: _____

Hearing Time: _____

Judge: _____
(Judge's name)

Place: _____
(courtroom number)

23 I, _____, declare as follows:
24 (print name)

- 25 1. I am the _____ in the above-entitled case.
26 (indicate Plaintiff or Defendant)
27 2. I have personal knowledge of the following facts, and, if called as a
28 witness, I could and would competently testify thereto.

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

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

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

11. _____

12. _____

13. _____

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)

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

10
11 _____,
12 **Plaintiff,**
13 **vs.**
14
15 _____
16 _____
17 _____
18 _____
19 _____,
20 **Defendant(s).**

Case No.: _____

PROOF OF SERVICE BY MAIL

21
22 I, _____, declare as follows:
23 (name of person serving documents)

24 My address is _____
25 _____, which is located in the
26 county where the mailing described below took place.

27 On _____, I served the document(s) described as:
28 (date of mailing)

1 _____
(list the name of each document you are mailing)
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____

10 on all interested parties in this action by placing a true and correct copy thereof in
11 a sealed envelope, with first-class postage prepaid thereon, and deposited said
12 envelope in the United States mail at or in _____,
13 _____ (city and state of mailing)
14 addressed to:

14 _____ (name)	_____ (name)
15 _____ (address)	_____ (address)
16 _____ (address)	_____ (address)
17 _____ (address)	_____ (address)

18
19 I declare under penalty of perjury that the foregoing is true and correct.

20
21 Executed on _____ at _____.
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____
(date) (city and state of signing)

(sign)

(print name)