

Samples

Meet-and-Confer Letter

Sample "Meet and Confer" Letter

Andy Attorney, Esq.
1234 Main Street
Sacramento, CA 95814

February 14, 2013

Re: Acme, Inc., v. Doug Defendant, Case # 34-2013-12345678

Dear Mr. Attorney:

I am the defendant in the above-referenced case. Your client, Acme, Inc., was served with my Request for Production, Set One, on January 3, 2013, 42 days ago. To date, you have not responded to the Request for Production.

This letter asks you to please respond to the Request for Production, Set One by March 1, 2013. If I do not receive these responses, I will file a motion in court to obtain compliance and sanctions as provided by California Code of Civil Procedure § 2031.300.

Yours truly,

Doug Defendant

Doug Defendant

Meet and Confirm Letter

Motion to Compel Responses to Request for Production

1 DOUG DEFENDANT
2 123 Any Street
3 Sacramento, CA 95814
4 916-555-1234
5 Defendant, In Pro Per

6 **IMPORTANT: RED boxes and arrows are instructions, and are not part of your completed document. Text that appears in BLUE here is text you will change to fit your case on the actual templates.**
7 Be sure to change all names, identifications (plaintiff/defendant), and pronouns to match the parties in your case. This sample is written as if the defendant is filing the motion, but fill it out as appropriate in your own case.

8 SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO

9 Case number.
10 Case No.: 34-2013-12345678

11 Acme Inc.,
12 Plaintiff, Your name.
13 vs.
14 Doug Defendant,
15 Defendant
16 Identify the discovery request for which you want to compel responses.
17 Date: June 19, 2013
18 Dept. 54
19 Time: 9:00 a.m.

20 To plaintiff and to its attorney of record:
21 NOTICE IS HEREBY GIVEN that on June 19, 2013 or as soon thereafter as the matter may be heard, in Department 53
22 this court, located at 813 Sixth Street, Sacramento, the defendant, Doug Defendant will, and hereby does, move for an
23 order compelling plaintiff, Acme, Inc., to serve on him a response to the defendant's Request for Production of
24 Documents, Set One, which he served on plaintiff, Acme, Inc. on January 3, 2013, and will further move this court for an
25 order requiring plaintiff, Acme, Inc., to pay a monetary sanction to defendant. The motion will be made on the grounds
26 that plaintiff has failed to serve a timely response to the above-described production of documents.

27 Change all names, party designations and pronouns to match the parties in your case.
28 Be sure to identify whether you are seeking to compel a response to Interrogatories or Request for Production, and the Set number.
29 Date, time, and location of hearing. See Step 2 of this Guide for information on choosing a hearing date.

30

Motion to Compel Responses to Request for Production of Documents (page 1)



Your name.

1 The motion will be based on this notice of motion, on the declaration of DOUG DEFENDANT and the memorandum set
 2 forth below, on the records and file herein, and on such evidence as may be presented at the hearing of the motion
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NOTICE OF TENTATIVE RULING SYSTEM

Pursuant to Local Rule 1.06 (A) the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

Dated: May 8, 2013

Your name, party designation and date.

By: _____
 Doug Defendant
 Defendant, In Pro Per

Motion to Compel Responses to Request for Production of Documents (page 2)



Demands for Production and Interrogatories rely on two different code sections. Choose the set of Points and Authorities that pertains to the type of discovery you want to compel.

Use this Points and Authorities to compel responses to your **Request for Production**.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT FOR ORDER COMPELLING RESPONSES TO REQUEST FOR PRODUCTION AND FOR MONETARY SANCTIONS

Opposing party's designation, your party designation, and the set number of your requests.

PLAINTIFF HAS FAILED TO SERVE A TIMELY RESPONSE TO DEFENDANT'S DEMAND FOR PRODUCTION OF DOCUMENTS, SET ONE, AND THUS THE COURT SHOULD MAKE AN ORDER COMPELLING A RESPONSE AND IMPOSING A MONETARY SANCTION FOR THE FAILURE TO RESPOND.

A. Party May Move for Order Compelling Response and for Monetary Sanction. When a party makes an inspection demand under Section 2031.010 of the Code of Civil Procedure and the party to whom the demand is directed fails to respond, the demanding party may move for an order compelling response and for a monetary sanction under Section 2023.030 of the Code of Civil Procedure (Code Civ. Proc. § 2031.300).

B. Waiver of Objection to Demand. When the party to whom an inspection demand has been directed fails to serve a timely response to it, that party waives any objection to the demand, including one based on privilege or on the protection for work product under Section 2018.010 et seq. of the Code of Civil Procedure (Code Civ. Proc. § 2031.300(a)).

C. Court Must Impose Monetary Sanction Absent Specified Findings. The court must impose a monetary sanction under Section 2023.030 of the Code of Civil Procedure against any party, person, or attorney who unsuccessfully opposes a motion to compel a response to an inspection demand, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust (Code Civ. Proc. §§ 2023.030(a), 2031.300(c)).

D. Court May Impose Sanctions Despite Lack of Opposition to Motion to Compel Discovery. The court may award sanctions under the Discovery Act in favor of a party who files a motion to compel discovery, even though no opposition to the motion was filed, or opposition to the motion was withdrawn, or the requested discovery was provided to the moving party after the motion was filed (Cal. Rules of Ct., Rule 3.1030(a)).

Dated: May 8, 2014

Your name, party designation and date

By: Doug Defendant
Defendant In Pro Per

Motion to Compel Responses to Request for Production of Documents (page 3)

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Demands for Production and Interrogatories rely on two different code sections. Choose the set of Points and Authorities that pertains to the type of discovery you want to compel.

Use this Points and Authorities to compel responses to **Form or Special Interrogatories**

Identify the Discovery Requests for which you want to compel responses.

Opposing party's designation, your party designation.

FORM INTERROGATORIES-GENERAL AND FOR MONETARY SA

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT FOR ORDER COMPELLING RESPONSES TO
FORM INTERROGATORIES-GENERAL AND FOR MONETARY SA

THE COURT SHOULD ISSUE AN ORDER COMPELLING PLAINTIFF TO ANSWER DEFENDANT'S FIRST SET OF FORM INTERROGATORIES-GENERAL, BECAUSE THE PLAINTIFF HAS FAILED TO SERVE A TIMELY RESPONSE. IF THE MOTION IS GRANTED, THE COURT SHOULD ALSO IMPOSE A MONETARY SANCTION AGAINST PLAINTIFF BECAUSE THERE IS NO SHOWING THAT IT ACTED WITH SUBSTANTIAL JUSTIFICATION OR THAT OTHER CIRCUMSTANCES MAKE THE IMPOSITION OF THE SANCTION UNJUST.

A. Statutory Authority. If a party to whom interrogatories have been directed fails to serve a timely response, the party propounding the interrogatories may move for an order compelling response (Code Civ. Proc. § 2030.290).

B. Burden of Justification on Nonresponding Party. The service and filing of interrogatories pursuant to Section 2030.010 et seq. of the Code of Civil Procedure places the burden on the interrogated party to respond by answer, the production of writings, or objection. The obligation of response must be satisfied unless excused by a protective order obtained on a factual showing of good cause why no response should be given (Coriell v. Superior Court (1974) 39 Cal. App. 3d 487, 492, 114 Cal. Rptr. 310).

C. Court Must Impose Monetary Sanction Absent Specified Findings. The court must impose a monetary sanction under Section 2023.030(a) of the Code of Civil Procedure against any party, person, or attorney who unsuccessfully opposes a motion to compel a response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust (Code Civ. Proc. §§ 2023.030(a), 2030.290(c)).

D. Court May Impose Sanctions Despite Lack of Opposition to Motion to Compel Discovery. The court may award sanctions under the Discovery Act in favor of a party who files a motion to compel discovery, even though no opposition to the motion was filed, or opposition to the motion was withdrawn, or the requested discovery was provided to the moving party after the motion was filed (Cal. Rules of Ct., Rule 3.1030(a)).

Dated: May 8, 2013

Your name, party designation and date.

By: _____
Doug Defendant
Defendant, In Pro Per

Motion to Compel Responses to Form Interrogatories (alternate page 3)



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DECLARATION OF DOUG DEFENDANT IN SUPPORT FOR ORDER COMPELLING
RESPONSES TO DISCOVERY REQUESTS AND FOR MONETARY SANCTIONS

I, DOUG DEFENDANT, declare: Your name and party designation.

1. I am the defendant in the above entitled action.

2. On January 3, 2013 I served my Request for Production, Set One, on the plaintiff, Acme, Inc. A true copy with proof of service is attached to this declaration as Exhibit A and made a part hereof. Indicate what discovery request was served, when it was served, and on whom it was served.

3. I have not received any response to my Request for Production, Set One from the plaintiff. Indicate the request for which you have not received responses.

4. On February 14, 2013, I had served the "meet and confer" letter attached with a proof of service, as Exhibit B, but have still not received any responses. Indicate the date your meet and confer letter was served.

5. I ask that the court award sanctions of \$120. I base my request for the imposition of a sanction on basis that it took me 5 hours to research and prepare the instant motion. My hourly wage is \$12.00 per hour times 5 hours equals \$60, (12 x 5 = 60). In addition, the motion filing fee for this motion was \$60. As a general rule, the Sacramento court is unlikely to impose sanctions if the motion is not opposed, and is unlikely to award sanctions other than attorney fees or the cost of the motion. Self-represented litigants have no attorney fees.

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

By: _____ Your name and party designation.
Doug Defendant
Defendant, In Pro Per

The declaration is the evidence that you are presenting. You are signing it under penalty of perjury, so you should be sure that the declaration contains all relevant evidence to establishing the service of the discovery, and the failure to respond, and that all of the facts alleged are true. Because this is your testimony, feel free to describe the events in your own words, but be sure that it clearly and concisely states the facts necessary for your motion.

Motion to Compel Responses to Request for Production of Documents (page 4)



<p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30</p>	<div data-bbox="604 353 1027 672" style="border: 1px solid red; padding: 5px;"><p>Important: Sacramento County Superior Court requires each of the Exhibits in one of your set of copies be separated by a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibits for the original and other copies should be separated by a blank piece of pleading paper with their exhibit letter or number typed or written on the bottom of the page.</p><p>Note: The Law Library sells card stock and tabs at the Circulation Desk.</p></div> <div data-bbox="676 1010 1002 1084" style="font-size: 2em; font-weight: bold; margin: 20px 0;">Exhibit A</div> <div data-bbox="619 1146 1050 1281" style="border: 1px solid black; border-radius: 10px; padding: 10px; text-align: center;"><p>Exhibit Page (made of card stock) with Rigid Tab at bottom</p></div>	
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Motion to Compel Responses to Request for Production of Documents (page 5)

Attach a copy of your original discovery request here. Be sure to include the proof of service showing the date it was served on the other party.