

Samples

Motion

MOVING PARTY	
1	Petra Plaintiff
2	123 Any St.
3	Sacramento, CA 95828
4	916-555-1212
5	Plaintiff, In Pro Per
6	
7	SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
8	
9	Petra Plaintiff,
10	Plaintiff,
11	vs.
12	Doug Defendant and DOES 1 to 10,
13	Defendants
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16	To defendant DOUG DEFENDANT , and to his or her attorney(s) of record:
17	NOTICE IS HEREBY GIVEN that on July 18, 2025 , at 9:00 a.m. , or as soon thereafter
18	as the matter may be heard, in Department 53 of this court, located at 813 Sixth Street,
19	Sacramento, PETRA PLAINTIFF , will, and hereby does, will and hereby does move the Court
20	for an Order allowing Plaintiff to file and serve her First Amended Complaint in this action.
21	This motion is made pursuant to Sections 473 and 576 of the California Code of Civil
22	Procedure. The motion is brought on the grounds that the amendment furthers the
23	interests of justice without prejudicing Defendant.
24	The motion will be based on this notice of motion, on the declaration of Petra Plaintiff ,
25	and the supporting memorandum served and filed herewith, on the records and file herein, and
26	on such evidence as may be presented at the hearing of the motion. This motion is further
27	based on the proposed First Amended Complaint filed concurrently herewith as Exhibit A.
28	

Motion (Page 1 of 4)



This language is required in **Sacramento**. If you are not in Sacramento, erase it. Check with your court whether they use a tentative ruling system and if so, if there is required language you must include.

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

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9
10 Dated: **June 30, 2025**

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12 **Petra Plaintiff**
13 **Plaintiff, In Pro Per**
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Motion (Page 2 of 4)

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Memorandum of Points and Authorities

I. Background

On 4/21/2025, Plaintiff filed a Complaint in this court. The defendant's response to

In the Memorandum of Points and Authorities, you provide the factual background for what you are requesting (based on the evidence in your declaration), and the statutes, cases, and/or regulations that support your request. You will need to research and write these for your particular circumstances. There is a 10-page page limit.

warranty and for products liability.

II. LEGAL ARGUMENT

A. Pursuant to California Code of Civil Procedure 473(a), the Court May Permit Parties to Amend their Pleadings

California Code of Civil Procedure §473(a)(1) permits the court, in furtherance of justice, and upon any terms as may be proper, to allow any party to amend their pleadings.

In the present case, causes of action existed as to Acme, but as described in the attached declaration this remained unknown until after the other named defendant responded to the Complaint. Unfortunately, the liability of this new defendant cannot be properly alleged without new causes of action specific to the defendant.

For these reasons, and the reasons expressed in the attached Declaration, **Plaintiff requests leave of this court to file a First Amended Complaint.**

Dated: **June 8, 2025**

Petra Plaintiff
Plaintiff, In Pro Per

Motion (Page 3 of 4)

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DECLARATION

I, **Petra Plaintiff**, am the **plaintiff** in this matter, and I declare the following in support of my motion for leave to file a **First Amended Complaint**:

- 1. This lawsuit arises from the installation of a water heater at my place of business, Petra's Boutique, and the damages and loss of business arising from that installation.**
- 2. On September 23, 2023, I signed a contract with Doug Defendant to supply and install a water heater. A true and correct copy of this contract is attached as Exhibit A.**

[Continue with facts relevant to your motion.]

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

Dated: **June 30, 2025**

Petra Plaintiff

You can attach a document as an exhibit by photocopying the document and writing "Exhibit A" on the bottom of the first page. If the exhibit is longer than one page, number each page.

To use a document as evidence, you must verify under penalty of perjury that it is a "true and correct copy" using the language above.

NOTICE OF MOTION AND MOTION FOR ORDER PERMITTING THE FILING OF A FIRST AMENDED COMPLAINT (CCP §473(a)); POINTS AND AUTHORITIES; DECLARATION

1

Motion (Page 4 of 4)

Proposed Order

1	11 ANY ST. #22
2	SACRAMENTO, CA 95814
3	916-123-9876
4	Plaintiff. In Pro Per
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8	SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO
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10	PETRA PLAINTIFF,
11	Plaintiff,
12	vs,
13	DOUG DEFENDANT.
14	Defendant
15	Case No.: 23CV003456
16	[PROPOSED] ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT
17	Date: July 18, 2025
18	Dept: 53
19	Time: 2:00 p.m.
20	Mandatory Settlement: December 14, 2025
21	Trial Date: January 13, 2026
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23	The motion of plaintiff for an order allowing amendment of the complaint came on
24	regularly for hearing by the court on this date. Plaintiff appeared representing herself ;
25	defendant appeared by counsel _____ . On proof made to the
26	satisfaction of the court that the motion ought, in furtherance of justice, to be granted,
27	
28	IT IS ORDERED that the motion be, and hereby is, granted and that plaintiff be allowed
	to file the first amended complaint, a copy of which is attached to the notice of motion
	herein.
	Dated: _____
	_____ Judge of the Superior Court

	[PROPOSED] ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT - 1

Order (Page 1 of 1)

Opposition or Reply

1	DI	OPPOSITION OR REPLY
2	23	
3	SACRAMENTO, CA 95814	
4	916-123-4567	
5	Plaintiff, In Pro Per	
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11	PLACIDO PLAINTIFF,	Case No.: 23CV003456
12	Plaintiff,	OPPOSITION TO MOTION FOR ORDER
13	vs.	CONTINUING TRIAL AND
14	DIMITRI DEFENDANT,	MANDATORY SETTLEMENT
15	Defendant	CONFERENCE; DECLARATION OF
16		DIMITRI DEFENDANT
17		Date: July 18, 2016
18		Dept: 53
19		Time: 2:00 p.m.
20		Mandatory Settlement: December 14, 2025
21		Trial Date: January 13, 2026
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I. BACKGROUND

This lawsuit arises from \$15,000 that was loaned by the plaintiff to the defendant.

[Continue with factual background for your opposition or reply.]

II. LEGAL ARGUMENT

NO GOOD CAUSE EXISTS FOR CONTINUANCE IN THAT

A. Good Cause. A court may grant a... *[Continue with legal argument for your opposition or reply.]*

Respectfully submitted,

Dated: July 9, 2025 By: _____

DIMITRI DEFENDANT

Defendant, In Pro Per

OPPOSITION TO MOTION FOR ORDER CONTINUING TRIAL AND MANDATORY SETTLEMENT CONFERENCE; DECLARATION OF DIMITRI DEFENDANT

Opposition/Reply (Page 1 of 2)

