

# Calculate deadlines to file and serve

**Determine the legal deadline to file the motion in court.**

**Warning!** Some motions have different time requirements. Check the rules for the motion you are filing.

Tip: File the motion as soon as possible. Your reservation is not final until the motion has been filed and any fees paid.

The last legal day to file with the court is at least sixteen *court* (business) days prior to the motion date ([CCP § 1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1005) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1005))). “Court days” are Monday through Friday, excluding court holidays. To determine whether a particular filing date will meet this deadline, start counting backwards on the day before your hearing until you reach the sixteenth court day. ([CCP § 12c](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=12c)) ([https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=12c](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=12c).)

For example, suppose your reservation is for Monday, June 18. You would start counting backward using the previous court day, Friday, June 15, as day one, as shown in the calendar below. Skip weekends and court holidays (there is one court holiday in this example, which is Memorial Day, May 28). The sixteenth court day before the hearing would be May 24, which would be the last day that the motion could be filed.

MAY							JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5						1 Day 11	<del>2</del>
6	7	8	Day 5 falls on a weekend, so the last day for service by mail rolls over to the previous court day.			12	<del>3</del>	4 Day 10	5 Day 9	6 Day 8	7 Day 7	8 Day 6	<del>9</del>
13	14	15	16	17	18 Last day to serve by mail	19 Day 5	<del>10</del>	11 Day 5	12 Day 4	13 Day 3	14 Day 2	15 Day 1	<del>16</del>
20 Day 4	21 Day 3	22 Day 2	23 Day 1	24 Day 16 Last day to file	25 Day 15	<del>26</del>	<del>17</del>	18 Hearing Date	19	20	21	22	23
<del>27</del>	<del>28</del> Holiday	29 Day 14	30 Day 13	31 Day 12			24	25	26	27	28	29	30

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**Determine the legal deadline to serve the motion on the other parties or their attorneys.**

You must have all other attorneys (or self-represented parties) served with a copy of the motion, then have the server fill out a Proof of Service which you file along with the motion. This means that someone over the age of 18 who is not a party in the case must either mail or personally deliver a copy of the motion and related documents to them. There is a strict deadline to do this (earlier is always fine).

*Personal service:* 16 **court** days before the hearing, the same as the minimum filing deadline. The server can fill out [Proof of Personal Service—Civil \(POS-020\)](https://www.courts.ca.gov/documents/pos020.pdf) (<https://www.courts.ca.gov/documents/pos020.pdf>).

*Service by mail:* 16 court days before hearing PLUS five **calendar** days before the hearing (more if the mailing address is outside California). ([CCP § 1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1005) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1005))). The server can fill out [Proof of Service by First-Class Mail—Civil](https://www.courts.ca.gov/documents/pos030.pdf). (<https://www.courts.ca.gov/documents/pos030.pdf>)

“Calendar days” include weekends and holidays, but if the final day lands on a weekend or holiday, it is pushed back to the previous court day.

Using the June 18 hearing date, the sixteenth court day before the hearing would be May 24. Then count back five more calendar days, starting on May 23, as shown on the calendar above. The fifth calendar day is Saturday, May 19, and because that is a weekend day, the deadline for service moves back to Friday, May 18.

Remember, earlier is fine, and it is a good idea to file and serve a couple of days ahead of time to be safe. It’s easy to miscount days on the calendar.

**Date Created**

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