

## How To: Schedule a Law and Motion Hearing in Sacramento

**This information is for Sacramento. If your case is in a different county, do not follow these instructions. Instead, call the clerk or visit the court website in your county to find the correct information.**

Scheduling hearings for motions in Sacramento County Superior Court civil departments requires reserving a date with the court. Do this either by calling the clerk of the department where the motion will be heard, or by using Sacramento's online reservation system.

You must make sure that the date you reserve gives you enough time to file the motion at least sixteen court (business) days before the hearing, and serve it by mail at least five calendar days before the filing deadline.

In practice, the first available date will probably be far enough away that the filing and service deadlines can be easily met.

Do make sure that you actually file and serve the motion by the deadlines — earlier is always acceptable.

### Steps in Choosing and Reserving a Hearing Date

#### Determine the department and time of the motion

Most motions are defined as "Law and Motion" matters, which are heard in Department 53 at 1:30 p.m. or Department 54 at 9:00 a.m., Tuesday-Thursday.

Which department you are assigned to depends on when your case was filed.

Since about April 16, 2023, cases are assigned to a department when they were filed based on how busy the departments are. Your department is listed on the case's entry in the court's database, which is free to use.

Before about April 16, 2023, odd numbered cases were automatically assigned to Dept. 53, and even numbered cases to Dept. 54. (There are occasional exceptions, so if you've been assigned to one or the other in the past, use that one.)

This tip applies only to Sacramento County Superior Court. If your case is in a different county, check with that court's clerk or website for that county's rules and procedures, which will be different.



# Sacramento Superior Court

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If your case was filed since about April 15, 2023, the Law and Motion Department is listed on the Public Portal entry for your case.

23CV [REDACTED]

Unlimited Civil (Other Commercial/Business Tor...)

Hall of Justice / DEPT 53 - JUDGE: RICHARD K. SUEYOSHI

Filed: [REDACTED] / 2023 Disposed: [REDACTED] / 2023  
Request for Dismissal - Before Trial

Documents

Register of Actions

Documents

If your case was filed before then, the Law and Motion Department is based on your case number.

- Odd-numbered cases are assigned to Dept. 53
- Even-numbered cases are assigned to Dept. 54

A few types of motions are heard in other departments. Contact the clerk of the department to schedule hearings.

- **The Presiding Judge** (Dept. 47) hears all motions for consolidation, severance, bifurcation, intervention, pretrial conference, coordination, change of venue, or to advance or continue trial. Motions are only heard on Fridays at 9:30 a.m.
- **Case Management Program (CMP) judges** hear all case-management related motions in cases assigned to the Case Management Program (mostly unlimited civil cases). These include motions regarding judicial arbitration, redesignation of a case, for extension of time to answer a complaint, for relief from CMP rules, or any motion pertaining to the certificate for short cause matters. See [Civil Case Management Program \(https://www.saccourt.ca.gov/civil/case-management-program.aspx\)](https://www.saccourt.ca.gov/civil/case-management-program.aspx) for more information on scheduling cases (the process changes frequently).
- **If a judge has been assigned to a case for all purposes**, that judge hears all motions for the case.
- **Motions for reconsideration, motions regarding sanctions, and motions to tax costs** are heard in the department that issued the underlying order, sanctions, or cost determination.
- **The trial judge** hears motions *in limine* (pretrial) and all motions after trial begins.

These assignments change from time to time, so check the "[Overview of Which Departments Hear Civil Matters \(https://www.saccourt.ca.gov/civil/motions-hearings-general.aspx\)](https://www.saccourt.ca.gov/civil/motions-hearings-general.aspx)" page for a current list.

## Reserve the date for the hearing

In Sacramento's Departments 53 and 54, you must reserve a court date through the court's online reservation system. In other departments, contact the clerk for instructions.

To use the online system, go to [the Sacramento County Court's Online Portal](https://prod-portal-sacramento-ca.journaltech.com/public-portal/) (<https://prod-portal-sacramento-ca.journaltech.com/public-portal/>) and choose "Reservation System (CRS)." You must have a free account on the system to use it.

Before you log on or call, figure out if there are any days you will *not* be available during the next couple of months. For instance, you don't want to pick a date when you know you will be out of town.

You must choose a date far enough in the future that you can both **file** and **serve** your motion on time. Scheduling it four weeks in advance generally gives a comfortable margin for most types of motions. Usually, the first available date will be further away than that.

## Determine the legal deadline to file the motion in court

**Tip:** *The deadline is the last day you can file the motion. It's recommended to file earlier if you can, to make sure it is received in plenty of time. Also, 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.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1005.) ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1005.](http://leginfo.legislature.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](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12c.&lawCode=CCP) ([https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=12c.&lawCode=CCP](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12c.&lawCode=CCP)))

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

**Holiday Heads-Up:** The California courts are closed on several holidays that you may not expect, including Lincoln’s Birthday (Feb. 12); Cesar Chavez Day (March 31); Juneteenth (June 19); and Native American Day (third Friday in September).

Make a note on your calendar to file the motion by this date. Do not miss this deadline. The court will cancel the hearing and you will have to start over.

### 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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1005](http://leginfo.legislature.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. In the calendar example above, counting five calendar days back from the filing deadline results in a mail service deadline of Saturday, May 19, so the actual deadline is the prior court day, Friday May, 18.

Make a note on your calendar to have the motion served by mail before the deadline. If you miss the mail deadline, you can still have the motion served by personal service up until 16 court days before the hearing. If you miss that deadline, you will have to cancel your court date and start over.

**Date Created**

10/05/2023