
Motion to Compel Discovery Responses

Sometimes, as you conduct discovery in your civil case, the opposing side fails to respond to your formal discovery requests. If the opposing side does not respond to your form interrogatories, special interrogatories, or request for production, you may file a motion seeking an order compelling the opposing party to respond. This Guide provides step-by-step instructions for seeking such an order. If the opposing side served responses that were incomplete or otherwise void (e.g., not verified), you would need to file a motion to compel further responses, which is not described in this Guide. Please ask at the Reference Desk for information on that procedure.

Templates and Forms

- [Meet and Confer Letter for Motion to Compel Discovery Responses Template \(DOCX\)](https://saclaw.org/sbs-motion-to-compel-discovery-responses-meet-and-confer-2/) (<https://saclaw.org/sbs-motion-to-compel-discovery-responses-meet-and-confer-2/>)
- [Motion to Compel Discovery Responses \(Interrogatories\) Template \(DOCX\)](https://saclaw.org/sbs-motion-to-compel-discovery-responses-interrogatories-2/) (<https://saclaw.org/sbs-motion-to-compel-discovery-responses-interrogatories-2/>)
- [Motion to Compel Discovery Responses \(Request for Production\) Template \(DOCX\)](https://saclaw.org/sbs-motion-to-compel-discovery-responses-production-2/) (<https://saclaw.org/sbs-motion-to-compel-discovery-responses-production-2/>)

Related Step-by-Step Guides

[Motion to Deem Facts Admitted](https://www.saclaw.org/resource_library/motion-to-deem-facts-admitted/) (https://www.saclaw.org/resource_library/motion-to-deem-facts-admitted/)

[Proof of Service by Mail](https://www.saclaw.org/resource_library/serving-documents-by-mail/) (https://www.saclaw.org/resource_library/serving-documents-by-mail/)

[Personal Service](https://www.saclaw.org/resource_library/personal-service/) (https://www.saclaw.org/resource_library/personal-service/)

Step-by-Step Instructions

1 Meet and Confer

Before you file your motion, you must first attempt to “meet and confer” with the opposing counsel or self-represented party. This typically means sending a letter that informs the opposing attorney or self-represented litigant that the deadline to respond has passed, and providing him

or her a reasonable time to respond, after which you would file a motion to compel responses.

Download a customizable template of a meet and confer letter from the link at the top of the page. A sample “meet and confer” letter is included at the end of this Guide.

A reasonable time to respond to your letter could be two weeks or longer if the interrogatories or requests for production are particularly complicated. The “meet and confer” requirement is your opportunity to demonstrate to the court that you are making a “reasonable and good faith attempt at an informal resolution.” [California Code of Civil Procedure \(CCP\) § 2016.040](#)

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=2016.040).

Although not required, it is a good idea to have someone who is over 18 and not a party to the case mail the letter for you, and complete a [Proof of Service by First Class Mail \(POS-030\)](#) (<http://www.courts.ca.gov/documents/pos030.pdf>). That way, if you are forced to file a motion with the court, you can attach the proof of service as an exhibit to your motion. For more information, see the Step-by-Step guide on [Proof of Service by Mail](#) (https://www.saclaw.org/resource_library/serving-documents-by-mail/).

2 Reserve Your Hearing Date and Determine Deadlines for Filing and Serving

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.

Determine the department and time of the motion

In Sacramento, most motions are heard in the “Civil Home Court” department assigned to the case, which will be either department 8C, 8D, 16C, or 16D. [Check your case file online](#) (<https://prod-portal-sacramento-ca.journaltech.com/public-portal/>) to find which department your case is assigned to.

Effective April 13, 2026: Department 25 changed Department 8D; Department 28 changed to Department 8C; Department 53 changed to Department 16D; and Department 54 changed to Department 16C of the Tani G. Cantil-Sakauye Courthouse (500 G Street). If your case was filed before that date, **its assigned department has**

changed, so check before scheduling a hearing.

[More information about Civil Home Court department transition](https://saclaw.org/resource_library/new-civil-home-court-system-in-sacramento/) (https://saclaw.org/resource_library/new-civil-home-court-system-in-sacramento/)

A few types of motions are heard in other departments. [Check which departments hear which types of motions in Sacramento on the Civil Motions webpage](https://www.saccourt.ca.gov/civil/motions-hearings-general.aspx). (<https://www.saccourt.ca.gov/civil/motions-hearings-general.aspx>)

Reserve the date for the hearing

For Motions to Compel Responses or Further Responses, you must reserve a court date in advance by calling the clerk of the assigned department at 916-874-7858 or 916-874-7848 prior to submitting moving documents to the Court. (Other motion dates are reserved online.)

Before you 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. In practice, the first available date will very likely be further away than that.

Determine the legal deadline to file the motion in court

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.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1005) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=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))

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.

Calendar demonstrating how to count backwards from the hearing date to determine the last possible

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>).

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§ionNum=1005)). The server can fill out

[Proof of Service by First-Class Mail—Civil](#). (<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.

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.

3 Prepare the Motion

There is no pre-printed form for this motion. You will need to customize a motion on “pleading paper.” A template for such a motion is at the top of this Guide. Instructions and a sample motion are at the end of this Guide.

You must file a separate motion for each of the discovery responses you wish to compel. For example, if you served both form interrogatories and requests for production, and got no answer to either, you will need to file two separate motions.

Parts of a Motion

A written motion consists of four parts (the Notice of Motion and Motion are combined):

- Notice of Motion and Motion;
- Points and Authorities; and
- Declaration

The Notice of Motion lets the opposing party know when and where the motion is scheduled to be heard, while the Motion lets the court and the opposing party know what is being requested. In Sacramento, the Notice of Motion and Motion **must** end with the paragraph from [Local Rule 1.06 \(A\)](https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf) (<https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf>) informing the parties of the tentative ruling system. That language is included in the templates and the sample at the end of this Guide.

The Points and Authorities explains to the court and the opposing party the legal basis of the motion, while the Declaration provides evidence, sworn under penalty of [perjury](https://www.saclaw.org/glossary/perjury/) (<https://www.saclaw.org/glossary/perjury/>), supporting the motion.

Required elements of the Declaration: In this case, the declaration must specifically state that the discovery documents were served, and the date of service, and attach a copy of the signed proof of service as an exhibit. In addition, the declaration must specifically describe meet and confer efforts, and attach related documents as exhibits.

In the sample and templates, the four parts listed above have been combined into a single document. Although it is possible to include a proposed formal order, the Sacramento County

Superior Court typically issues minute orders in response to motions to compel discovery, and does not require a formal order to be submitted.

Modify the Template Motion

There is no Judicial Council form for this procedure. Instead, the relevant documents must be typed on 28-line pleading paper. A customizable template may be downloaded from the link at the top of this Guide.

Select the proper template!

Although the language of the motion is the same in both templates, the supporting points and authorities are very different. Points and authorities explain to the court and the opposing party the legal basis of your motion. The court cannot grant your motion without the proper legal basis. Be sure to use the proper template (for compelling responses to either interrogatories or requests for production) for your best chance of having the court grant your motion.

More information about how to fill the forms out is included on the sample at the end of this guide.

Important: Your Declaration must have a copy of signed Proof of Service showing the date and method by which the discovery was served attached as an Exhibit. You do not need to attach the requests themselves for a motion to compel response. See Step 4, below, for information on how to prepare the Exhibits.

4

Copy and Assemble Your Documents

Make enough copies of your Motion for each other party in the case. One of these copies is to be served on the other party's attorney (or the other party, if they do not have an attorney); the original is to be filed with the court. You can also make an additional copy for yourself. If you include it with the original, the court will stamp it and mail it back.

Staple each of the copies, but leave the original unstapled so the court can scan it.

Attaching Exhibits

Include Proof of Service of Original Request and Meet & Confer correspondence: All Motions to Compel Response must have at least two exhibits attached: 1. a copy of the signed Proof of Service demonstrating the date and method the discovery request was served on the responding party and 2. A copy of your meet & confer correspondence. You may need additional exhibits depending on your situation.

For each exhibit attached to your motion, you must place a page in front of the exhibit identifying it as Exhibit A, B, and so forth in alphabetical order.

5 Have the Motion Served and Attach the Proof of Service to the Original

Your motion must be served by a person over the age of 18 who is not a party to the case. Your server must complete a proof of service form, either [Proof of Service by First Class Mail \(POS-030\)](http://www.courts.ca.gov/documents/pos030.pdf) (<http://www.courts.ca.gov/documents/pos030.pdf>) or [Proof of Personal Service \(POS-020\)](http://www.courts.ca.gov/documents/pos020.pdf) (<http://www.courts.ca.gov/documents/pos020.pdf>). For more information on these Proofs of Service, see our guides for [Serving Documents by Mail](https://www.saclaw.org/resource_library/serving-documents-by-mail/) (https://www.saclaw.org/resource_library/serving-documents-by-mail/) and [Service by Personal Delivery](https://www.saclaw.org/resource_library/personal-service/) (https://www.saclaw.org/resource_library/personal-service/).

The proof of service form should be completely filled out, but not signed. **Make a copy of the unsigned Proof of Service for each service copy, and staple it after the last page of the service copy of the motion.** It is not necessary to copy the instruction page.

The server must then personally deliver or mail the service copy on the other party's attorney (or the other party, if they do not have an attorney).

The server then signs the Proof of Service form, and gives the signed Proof of Service to you.

Make a copy of the signed Proof of Service for you to keep as proof. Attach the signed original to the original motion after the last page.

6 File Your Motion in the Law and Motion Department

As long as your filing is received by the deadline (16 court days before the hearing), you can file at the counter, by dropbox, or by mail. But note that it must be **received** by the deadline. Postmarked does not count.

As of April 13, 2026, all civil moving papers, oppositions, and replies can be e-Filed, mailed to the Tani G. Cantil-Sakauye Courthouse, 500 G St., 2nd Fl., Sacramento, CA 95814, or filed in person.

Your options are:

- Wait in line to file with the clerk in the Filing Room (second floor).
- Drop your paperwork and payment in the dropbox on the second floor. Payment **must** be by check or money order. Your papers will be marked as filed on the day you place them in the box if they arrive before 5 p.m.
- Mail your paperwork and payment to: to the Tani G. Cantil-Sakauye Courthouse, 500 G St., 2nd Fl., Sacramento, CA 95814. Payment **must** be by check or money order. Your papers must **arrive** by the due date; the postmark will be ignored.
- Use the court's e-filing system. This system is optional for self-represented litigants. Fees will be paid to the electronic filing service provider, which forwards them to the court.

Filing Fee: There is a \$60 fee to file a motion.

Fee Waiver: If you are receiving government benefits such as Medi-Cal or are otherwise qualified because of low income, you can apply for a fee waiver. Turn the fee waiver request forms in with the motion instead of a fee payment. For more information, see our [Step-by-Step guide on Fee Waivers](https://www.saclaw.org/resource_library/fee-waiver/) (https://www.saclaw.org/resource_library/fee-waiver/).

7 Opposition Papers and Your Optional Reply Papers

If any opposing counsel or self-represented party opposes your motion, he or she may serve and file an opposition at least **nine court days** prior to your motion. No fee is required to file an opposition. The opposition contains a memorandum of points and authorities and usually a

declaration, but does not need the notice of motion or motion. Be sure to check your mail, and read any documents you receive carefully.

If the other attorney or party opposes your motion, you may choose to serve and file a reply to the opposition at least **five court days** prior to the motion. [CCP § 1005](#) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1005). It must be served by overnight mail to reach the opposing party no more than one day after it is filed.

The reply is optional and is usually used to address new issues your opponent raised in the opposition. No fee is required to file a reply. See the our guide on [Writing, Scheduling, and Opposing Motions](#) (https://www.saclaw.org/resource_library/motions-in-civil-cases/) for more information.

8 Review the Tentative Ruling and Notify Court and Opponent if You Wish to Appear

Pursuant to [Local Rule 1.06](#) (<https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf>), the judge will read your documents and will post a tentative ruling on the motion by 2:00 p.m. the court day **before the hearing**. (If you are not filing in Sacramento, check with your county court for their rules on tentative rulings. Most counties use a similar system.)

You may read the [tentative ruling online](#) (<https://www.saccourt.ca.gov/indexes/new-portal-info.aspx>) or call 916-874-7858 or 916-874-7848 to have a clerk read the ruling to you. For more information, see the [Tentative Ruling Information](#) (<https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf>) page on the Sacramento County Superior Court’s website.

Closely review the tentative ruling. Since you are asking the court for to set aside the default, you are looking for your motion to be “GRANTED.” If the court does not grant your request, your motion will be “DENIED.” Even if your request is granted, be sure to read the tentative ruling very carefully, since it will likely contain other important information such as if and when you need to serve and file your proposed Answer (or other response).

If you are happy with the tentative ruling: you do not need to do anything. You won’t have to go to court unless ordered to appear in the tentative ruling or unless the other side calls you and the court between 2:00 p.m. and 4:00 p.m. the court day before your hearing date to request an oral argument in front of the judge. If that happens, you should go to the court hearing and be

prepared to argue why your motion should be granted.

If you are not happy with the tentative ruling: You can present arguments in front of the judge. To do so, call the Law and Motion Oral Argument Request Line at (916) 874-2615 by 4:00 p.m. the Court day before the hearing. You must also contact all opposing counsel and/or self-represented parties before 4:00 p.m. to let them know that you are requesting oral argument on the motion.

9 Attend the Hearing, if Necessary

If neither party calls the court and opposing party to request oral argument, the court will simply make the tentative ruling the order of the court.

If you or the other party request oral argument, you can attend in person or remotely by video or phone call using the Zoom app. The tentative ruling will explain how to connect if you choose to use Zoom.

Arrive or log onto Zoom early. There will probably be other cases scheduled at the same time. Go into the courtroom or Zoom waiting room and check in with the bailiff or clerk..

When your name is called, be ready to speak and to answer any questions the judge has. You will only have a few minutes. After both sides speak, the judge may make a decision right away, or may “take it under consideration” and mail out the decision in a few days.

For Help

SH@LL (Self-Help at the Law Library) (<https://saclaw.org/services/civil-self-help/>)

609 9th Street, Sacramento CA 95814

(916) 476-2731 (Appointment Request Line)

Services Provided: SH@LL provides general information and basic assistance to self-represented litigants on a variety of legal issues. All assistance is provided by telephone. Visit [“What we can help with](https://saclaw.org/services/civil-self-help/#canhelp) (<https://saclaw.org/services/civil-self-help/#canhelp>) ” for a list of qualifying cases.

Eligibility: Must be a Sacramento County resident or have a [qualifying case](https://saclaw.org/services/civil-self-help/#who) (<https://saclaw.org/services/civil-self-help/#who>) in the Sacramento County Superior Court.

For More Information

At the Law Library:

- **California Civil Discovery Practice** KFC 1020 .C35 Chap. 15
Electronic Access: On the Law Library's computers, using *OnLaw*.
- **California Civil Practice: Procedure** KFC 995 .A65 B3 Chap. 13
- **California Deposition and Discovery Practice** KFC1020 .D44 Chaps. 60 and 61
Electronic Access: On the Law Library's computers, using *Lexis Advance*.
- **California Forms of Pleading and Practice** KFC 1010 .A65 C3 (Ready Reference) Chaps. 194 and 195
Electronic Access: On the Law Library's computers, using *Lexis Advance*.
- **California Points and Authorities** KFC 1010 .B4 (Ready Reference) Chaps. 84 and 85
Electronic Access: On the Law Library's computers, using *Lexis Advance*.
- **California Practice Guide: Civil Procedure Before Trial** KFC 995 .W45 Chap. 8
- **Handling Motions to Compel and Other Discovery Motions** KFC 1020 .M37
Electronic Access: On the Law Library's computers, using *OnLaw*.
- **Younger on California Motions** KFC 1012. C35 Chap. 29

Samples

[If images do not appear, download them as a pdf. \(https://saclaw.org/image-samples-47/\)](https://saclaw.org/image-samples-47/)

Meet-and-Confer Letter

[Meet and Confirm Letter](#)

Meet and Confirm Letter

Motion to Compel Responses to Request for Production

[Motion to Compel Responses to Request for Production of Documents \(page 1\)](#)

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

[Motion to Compel Responses to Request for Production of Documents \(page 2\)](#)

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

[Motion to Compel Responses to Request for Production of Documents \(page 3\)](#)

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

[Motion to Compel Responses to Form Interrogatories \(alternate page 3\)](#)

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

[Motion to Compel Responses to Request for Production of Documents \(page 4\)](#)

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

[Motion to Compel Responses to Request for Production of Documents \(page 5\)](#)

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.

[If samples do not show, download PDF versions here. \(https://saclaw.org/sample-images-for-guides/\)](https://saclaw.org/sample-images-for-guides/)