

Motion to Continue Trial and Mandatory Settlement Conference

[Rule 3.1332\(c\)](http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) (http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) of the California Rules of Court (CRC) allows the court to grant a continuance before or during trial on an affirmative showing of good cause. Each request for continuance must be considered on its own merits. In Sacramento County Superior Court, these motions are heard by the Presiding Judge (currently in Department 47), and there is a different motion form for unlimited and limited cases.

Templates and Forms

- [Motion to Continue Unlimited Trial Template](https://saclaw.org/wp-content/uploads/2023/04/sbs-motion-to-continue-trial-unlimited-template.rtf) (<https://saclaw.org/wp-content/uploads/2023/04/sbs-motion-to-continue-trial-unlimited-template.rtf>)

Sacramento Local Rule 2.11 requires that motions to continue must include the moving party's availability as follows:

(a) If no new trial date is requested, for the 90-day period following the current trial date. (b) If a new trial date is requested, for the 60-day period following that date.

In addition, all other parties, whether or not they oppose the motion to continue the trial date, shall, within the time limits for filing an opposition, file papers showing the attorney's calendars for the time period specified above.

Good Cause for Continuance

Circumstances that may indicate good cause for a continuance include the unavailability of an essential witness ([CRC 3.1332 \(c\)\(1\)](http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) (http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332)); the unavailability of a party because of death, illness, or other excusable circumstances ([CRC 3.1332 \(c\)\(2\)](http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) (http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332)); or a significant, unanticipated change in the status of the case as a result of which the case is not ready for trial ([CRC 3.1332 \(c\)\(7\)](http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) (http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332)). For a more complete list of justifications, please be sure to read [CRC 3.1332 \(c\)](http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) (http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1332) in its entirety.

Motions to continue a trial are not favored by the courts because such continuances greatly interfere with the court's ability to efficiently schedule its courtrooms and substantially contribute to a court's backlog of trial dates. For this reason, it is usually best to request a continuance as early as possible after you become aware that it will be required. You should never depend on a continuance being granted, as a very real possibility exists that it may be denied, especially if there have already been several continuances in the case.

Related Step-by-Step Guide: [Requesting an Ex Parte Order](https://www.saclaw.org/resource_library/ex-parte-applications-ask-the-court-for-an-order-as-quickly-as-possible/) (https://www.saclaw.org/resource_library/ex-parte-applications-ask-the-court-for-an-order-as-quickly-as-possible/)

If you need your motion for continuance heard right away, you can ask the judge to reduce the amount of time before the hearing by filing an ex parte application to shorten time. This guide discusses how to do that and includes samples and template.

1.

Reserve a Hearing Date

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, the Presiding Judge (Department 47) hears motions to continue or advance trial in both limited and unlimited civil cases. Motions to continue will be heard on Fridays at 9:30 a.m.

The department assignments changed fairly regularly, so check the current [Presiding Judge Department Information](https://www.saccourt.ca.gov/civil/presiding-judge-info.aspx) (<https://www.saccourt.ca.gov/civil/presiding-judge-info.aspx>) to make sure the information is correct.

Reserve the date for the hearing

In Sacramento's Department 49, you must reserve a court date by calling or emailing the department at 916-874-5487 or dept47@saccourt.ca.gov (<mailto:Dept47@saccourt.ca.gov>).

Before you contact the department, 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.

When you can't wait

If you don't have time to serve and file a motion prior to a trial date, you can file an ex parte application to reduce the length of notice required. See our guide on [Requesting an Ex Parte Order](https://www.saclaw.org/resource_library/ex-parte-applications-ask-the-court-for-an-order-as-quickly-as-possible/). (https://www.saclaw.org/resource_library/ex-parte-applications-ask-the-court-for-an-order-as-quickly-as-possible/)

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. It is possible 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.

The last legal day to file with the court is at least sixteen *court* (business) days prior to the motion date ([CCP Â§ 1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1005) (http://leginfo.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 Â§ 12C](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12c.&lawCode=CCP) (http://leginfo.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	2
6	7	8	<div>Day 5 falls on a weekend, so the last day for service by mail rolls over to the previous court day.</div>			12	3	4 Day 10	5 Day 9	6 Day 8	7 Day 7	8 Day 6	9
13	14	15				18 Last day to serve by mail	10	11 Day 5	12 Day 4	13 Day 3	14 Day 2	15 Day 1	16
20 Day 4	21 Day 3	22 Day 2	23 Day 1	24 Day 16 Last day to file	25 Day 15	26	17	18 Hearing Date	19	20	21	22	23
27	28 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. 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](https://www.courts.ca.gov/documents/pos020.pdf) (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 Â§ 1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1005) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1005)). The server can fill out [Proof of Service by First-Class Mail](https://www.courts.ca.gov/documents/pos030.pdf) (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.

2.

Prepare the Motion

There is no pre-printed form for this motion. You will need to customize a motion on a pleading paper. • Instructions and a sample motion are at the end of this guide.

Parts of a Motion

A request to continue trial is made through a **motion**. A motion is a request made in a case asking the court to issue an order of some sort.

A written motion consists of four parts (the first two are usually combined):

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

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. 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.

The parts can be filed as separate documents or combined into one document, as in our template motion.

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 this link:

- [Motion to Continue Trial Template](https://www.saclaw.org/wp-content/uploads/2023/09/sbs-motion-to-continue-trial-template.rtf) (<https://www.saclaw.org/wp-content/uploads/2023/09/sbs-motion-to-continue-trial-template.rtf>)

You will need to modify the sample text in the gray boxes to fit the specific facts of your case and attach any evidence to your declaration as an exhibit. More information about how to customize the motion is included on the sample at the end of this guide.

At the end of this guide is a sample completed motion with instructions. It was completed by a hypothetical “Doug Defendant,” who is asking to continue his trial so he has the opportunity to find a new attorney. This can guide you in customizing your own motion.

NOTE 1: If your case is a limited case, you can delete the references to Mandatory Settlement Conferences and the Case Management Program on page 1 and Page 4 (with the red brackets). If your case is an unlimited case, you can delete the red brackets.

NOTE 2: If you need to continue doing discovery, include the requests on page 1 and 4 for an order that discovery remain open until 30 days before the new trial date. Unless you specifically request this, discovery will be cut off 30 days before the original cut-off date. If you do not want discovery to remain open, delete those requests.

3.

Copy and Assemble Your Documents

Make four (4) copies of your Motion. 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 and the other three copies are to be filed with the court. Staple each of the copies, but leave the original unstapled so the court can scan it.

Attaching Exhibits

Attach any documents you want to rely on, such as plane tickets, a doctor's note confirming date of surgery, or other evidence.

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.

4.

Have the Motion Served and Attach the Proof of Service to Remaining Copies

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 before proceeding and staple after the last page of the copy you will serve.**

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 copies of the signed proof of service. It is not necessary to copy the instruction page. Attach the signed original to the original motion packet, and the copies to the copy packets, after the last page.

5.

File Your Motion in the Filing Room or Drop Box at 720 9th St.

Motions heard in the Presiding Judge's Department are filed or may be submitted by mail.

File the original (with original signed proof of service) and two copies (with copied proof of service) of your motion at 720 9th St. in downtown Sacramento at the Civil Filing Windows or placed in the drop box in Room 102. You can also file by mail.

Filing Fee: There is a \$60 fee to file a motion. It must be paid by cash or money order if filing in the dropbox; the windows take credit cards as well.

Fee Waiver: If you are receiving government benefits such as Medi-Cal or are otherwise qualified because of low income, and haven't yet applied for a fee waiver, fill out the fee waiver request forms and turn them 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/ .

6.

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 Â§ 1005](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1005) (http://leginfo.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/) (https://www.saclaw.org/resource_library/motions-in-civil-cases/) for more information.

7.

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

Pursuant to [Local Rule 1.06](http://www.saccourt.ca.gov/local-rules/docs/chapter-01.pdf) (<http://www.saccourt.ca.gov/local-rules/docs/chapter-01.pdf>) , as modified for Department 47, the judge will read your documents and will post a tentative ruling on the motion by 2:00 p.m. two court days **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.)

Parties may access the tentative ruling on the court's [public portal](https://www.saccourt.ca.gov/indexes/new-portal-info.aspx) (<https://www.saccourt.ca.gov/indexes/new-portal-info.aspx>) or by telephoning 916-874-5487. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the department clerk at 916-874-5487 no later than 12:00 p.m. (noon) on the court day preceding the hearing of their intent to appear at the hearing, and further advises the clerk that such party has notified the other side of its intention to appear. For more information, see the [Tentative Ruling Information](https://www.saccourt.ca.gov/civil/self-help-services/tentative-ruling.aspx) (<https://www.saccourt.ca.gov/civil/self-help-services/tentative-ruling.aspx>) 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 no later than 12:00 p.m. (noon) the court day before the hearing. 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, notify the other party that you plan to appear, and then call the department clerk at 916-874-5487 no later than 12:00 p.m. (noon) the court day before the hearing. Leave a message confirming that you plan to appear and that you have notified the other party.

8.

Attend the Hearing, if Needed

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, by telephone, or by video using the Zoom app. Instructions are available on the [Presiding Judge Department Information](https://www.saccourt.ca.gov/civil/presiding-judge-info.aspx#alternatives) (<https://www.saccourt.ca.gov/civil/presiding-judge-info.aspx#alternatives>) page.

Arrive, call, 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 more information

At the Law Library:

California Forms of Pleading and Practice KFC 1010 .A65 C3 (Ready Ref)

Vol. 13, Chap. 136, Continuances.

Electronic Access: On the Law Library's computers, using *LexisAdvance*.

California Law and Motion Model Forms KFC 1012 .A65 P37

Chap. 33, Sample Motion to Continue Trial.

California Points and Authorities KFC 1010 .B4 (Ready Ref)

Vol. 4, Chap. 48, Continuance of Proceedings.

Electronic Access: On the Law Library's computers, using *LexisAdvance*.

California Practice Guide: Civil Procedure Before Trial KFC 995. W45

Chap. 9(l)-B, â??Preparing and Filing Motions.â?•

California Pretrial Practice and Forms KFC 1020 .A65 K86

Chap. 14, â??Motion Practice,â?• particularly sec. IX, â??Motions to Continue Trial Date.â?•

Samples

Motion

IMPORTANT: RED boxes and arrows are instructions, and are not part of your completed document. Text that appears in BLUE is text you will change to fit your case.

NOTE: Portions underlined in red only apply in unlimited cases and will not appear in the limited template.

1 DOUG DEFENDANT
2 11 ANY ST. #22
3 SACRAMENTO, CA 95814
4 916-123-9876
5 Defendant, In Pro Per
6

Print or type your name, address and phone number as shown on the left. Below that, indicate whether you are a plaintiff or defendant, followed by the words *In Pro Per*, which simply indicates that you are representing yourself.

Identify the plaintiff and defendant.

8 PAUL SAMPLE,
9 Plaintiff,
10 vs.
11 DOUG DEFENDANT,
12 Defendant
13

The name of the person giving the declaration.

COURT OF CALIFORNIA COUNTY OF SACRAMENTO

Case No.: 34-2015-00012345 Your case number

NOTICE OF MOTION AND MOTION TO CONTINUE MANDATORY SETTLEMENT CONFERENCE AND TRIAL, POINTS AND AUTHORITIES; DECLARATION OF DOUG DEFENDANT

Date: April 6, 2016
Time: 9:30 a.m.
Dept: 47
Judge: Hon. Kevin R. Culhane

Set your date, time and department for the motion. Be sure to read the detailed instructions (Step 1.2) on choosing a date.

This motion is to the other party. Enter their party designation and name, and "his" "her" or "its" as appropriate.

Date Action Filed: August 1, 2015
Mandatory Settlement: April 20, 2016
Trial Date: May 3, 2016

16 To plaintiff, PAUL SAMPLE, and to his attorney(s) of record:

17 NOTICE IS HEREBY GIVEN that on April 6, 2016, at 9:30 a.m., or as soon thereafter as the matter
18 may be heard, in Department 47 of this court, located at 720 Ninth Street, Sacramento, defendant,
19 DOUG DEFENDANT, will, and hereby does, move for an order continuing the trial date heretofore
20
21
22
23

1
MOTION TO CONTINUE

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1	set for May 3, 2016 and mandatory settlement conference heretofore set for April 20, 2016,
2	reopening discovery until 30 days prior to the new trial date, and referring this matter back to the case
3	management program for trial setting. The motion will be made on the grounds that the defendant's
	attorney has left the case, and substantial discovery remains to be completed, and the defendant is
	able to adequately prepare this case for trial either through new counsel or as a self-represented
	party in the time remaining.
	<div>Describe the grounds for your motion, including the specific circumstances of your case that are causing you to ask for a continuance. Keep in mind that the grounds for the motion should be one of the reasons specified in California Rules of Court, Rule 3.1332 (c).</div>
	The motion will be based on this notice of motion, on the declaration(s) of Doug Defendant, and the
	supporting memorandum served and filed herewith, on the records and file herein, and on such
	evidence as may be presented at the hearing of the motion.
	<div>Use the name of the person(s) making the declaration(s) supporting the motion.</div>
9	Pursuant to Local Rule 1.06 (A) the court will make a tentative ruling on the merits of this matter by
10	2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the
11	department may be downloaded off the court's website. If the party does not have online access, they
12	may call the dedicated phone number for the department as referenced in the local telephone
13	directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and
14	receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court
15	day before the hearing, no hearing will be held.
16	Dated: March 8, 2016 By: _____
17	DOUG DEFENDANT
18	Defendant, In Pro Per
19	<div>Change this to your name and party designation in the case.</div>
20	<div>This paragraph is required in Sacramento for UNLIMITED cases heard in Dept. 47. It is not applicable to limited cases.</div>
21	<div>Other courts have different requirements; check your local rules.</div>
22	
23	
	2
	MOTION TO CONTINUE
	Motion to Continue Trial (page 2 of 6)



A Memorandum of Points and Authorities presents the legal argument that explains to the court why it can, and should, grant your motion. Make sure it starts on a new page. It may also be a separate document, but must then have a full caption including all of the information shown on lines 1 to 19 of the first page of this sample motion.

Memorandum of Points and Authorities in Support of Motion to Continue

I. BACKGROUND

It is often useful to have a background section that provides a brief explanation of the case and a summary of the motion.

On January 1, 2016, the plaintiff loaned \$15,000 to the defendant. The plaintiff loaned the money to the defendant in three installments of \$5,000 each. The defendant was initially represented by counsel; however counsel substituted out on February 12, 2016.

Defendant, who has never represented himself in any other case, has been seeking replacement counsel diligently during this last month, and has yet to find an attorney who is both willing to handle his case and able to prepare the case for trial by the current trial date set. Additionally, discovery remains to be completed in this lawsuit. This is the first request for continuance made by the defendant.

Describe the basis for your motion in this heading.

II. LEGAL ARGUMENT

GOOD CAUSE EXISTS FOR CONTINUANCE IN THAT DEFENDANT'S COUNSEL HAS LEFT THE CASE, AND DEFENDANT IS SEEKING NEW COUNSEL, AND SUCH NEW COUNSEL WILL BE UNABLE TO ADEQUATELY PROSECUTE THIS MATTER AT TRIAL WITHOUT A CONTINUANCE.

A. Good Cause. A court may grant a continuance before or during trial on an affirmative showing of good cause and Rules of Ct., Rule 3.1332(c).

The following points are relatively general. You may insert additional explanation after each point, as demonstrated after points B and C. There may be additional or different arguments based on the specifics of your case, depending on your specific circumstances.

B. Significant, Unanticipated Change in Case Status Constitutes Good Cause for Continuance. The circumstances that may indicate good cause for a continuance include a significant, unanticipated change in the status of the case as a result of which the case is not ready for trial (Cal. Rules of Ct., Rule 3.1332(c)(7)). Counsel originally represented the defendant. Unfortunately, as the case progressed, the defendant and his attorney developed differences that did



Explain how this legal argument applies to the specifics of your case.

allow the attorney to adequately represent the defendant's interests in court. Defendant's attorney substituted out of this case on February 12, 2016, after requesting that the defendant sign a substitution of attorney form.

3 **C. Continuance Sought as Soon as Reasonably Practical.** A party seeking a continuance of
4 the date set for trial, whether contested or uncontested or stipulated to by the parties, must make the
5 motion or application as soon as reasonably practical once the necessity for the continuance is
6 discovered (Cal. Rules of Ct., Rule 3.1332(b)).

Explain how this legal argument applies to the specifics of your case.

The defendant has been diligently seeking replacement counsel during the last month; however, the process has been hampered by a combination of factors. The attorneys the defendant has been able to reach are either too busy, on vacation, do not handle this type of case, or are priced outside of the defendant's ability to pay. Because of these reasons, he has been unable to find a replacement attorney. Additionally, at this point, were the defendant to find an attorney willing to take his case, he has been informed that it is extremely unlikely that any attorney would be able to have this case prepared for trial by the current mandatory settlement conference and trial dates. Furthermore, the defendant, upon reviewing the records sent to him by his former attorney, believes additional discovery is necessary to properly present this case for trial.

13 **D. Opportunity for Full Presentation.** A continuance should be granted if failure to allow
14 the continuance would probably or possibly prejudice the party seeking the continuance by depriving
15 that party of the opportunity to fully and fairly present his/her/its case (Cadle Co. v. WorldWide
16 Hospitality Furniture (2006) 144 Cal. App. 4th 504, 513–515, 50 Cal. Rptr. 3d 480; In re Dolly A.
17 (1986) 177 Cal. App. 3d 195, 199, 201, 222 Cal. Rptr. 741; Cohen v. Herbert (1960) 186 Cal. App.
2d 488, 494, 8 Cal. Rptr. 922).

Dated: March 8, 2016

By

DOUG DEFENDANT
Defendant, In Pro Per

Use the date you are signing the motion.

Change this to your name and party designation in the case.



MC-050	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Allen Attorney 987 Oak Lane Sacramento, CA 95814	
TELEPHONE NO.: 916-555-9876	FAX NO. (Optional):
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name): Doug Defendant	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento	
STREET ADDRESS: 720 9th St.	
MAILING ADDRESS:	
CITY AND ZIP CODE: Sacramento, CA 95814	
BRANCH NAME: Gordon D. Schaber Courthouse	
CASE NAME: Plaintiff v. Defendant	
SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)	
CASE NUMBER: 34-2015-00012345	

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): **Doug Defendant** makes the following substitution:

1. **Former legal representative** ☐ Party represented self ☒ Attorney (name): **Allen Attorney**
2. **New legal representative** ☒ Party is representing self* ☐ Attorney
- a. Name: b. State Bar No. (if applicable):
- c. Address (number, street, city, ZIP, and law firm name, if applicable):
11 Any St. #22, Sacramento CA 95814
- d. Telephone No. (include area code): **916-123-9876**
3. The party making this substitution is a ☐ plaintiff ☒ defendant ☐ petitioner ☐ respondent ☐ other (specify):

*NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES		
• Guardian	• Personal Representative	• Guardian ad litem
• Conservator	• Probate fiduciary	• Unincorporated association
• Trustee	• Corporation	
If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.		

NOTICE TO PARTIES WITHOUT ATTORNEYS A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.
Date: **Feb. 11, 2016**
Doug Defendant
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY)
5. ☒ I consent to this substitution.
Date: **Feb. 10, 2016**
Allen Attorney
(TYPE OR PRINT NAME) (SIGNATURE OF FORMER ATTORNEY)
6. ☐ I consent to this substitution.
Date: _____
(TYPE OR PRINT NAME) (SIGNATURE OF NEW ATTORNEY)

Exhibit A

Proposed Order

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<p>DOUG DEFENDANT 11 ANY ST. #22 SACRAMENTO, CA 958 916-123-9876</p> <p>Defendant, In Pro Per</p> <p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO</p> <p>PAUL SAMPLE, Plaintiff, vs. DOUG DEFENDANT, Defendant</p>	<p>Print or type your name, address and phone number as shown on the left. Below that, indicate whether you are a plaintiff or defendant, followed by the words <i>In Pro Per</i>, which simply indicates that you are representing yourself.</p> <p>Case No.: 34-2009-00012345</p> <p>[PROPOSED] ORDER CONTINUING TRIAL AND MANDATORY SETTLEMENT CONFERENCE</p> <p>Date: April 6, 2016</p> <p>Dept: 47</p> <p>Time: 9:30 a.m.</p> <p>Judge: Hon. Kevin R. Culhane</p> <p>Date Action Filed: August 1, 2015</p> <p><u>Mandatory Settlement: April 20, 2016</u></p> <p><u>Trial Date: May 3, 2016</u></p>
	<p>The motion of defendant Doug Defendant for an order continuing trial and mandatory settlement conference came on regularly for hearing by the court on April 6, 2016. Plaintiff appeared by counsel Larry Lawyer; defendant appeared in pro per.</p> <p>On proof made to the satisfaction of the court that the motion ought to be granted,</p> <p>IT IS ORDERED that the motion be, and hereby is, granted. The existing trial date and case settlement conference are vacated. This case is referred back to the Case Management Program for setting of a trial date. Discovery remains open until 30 days before the next trial date that is set.</p> <p>Dated: _____</p> <p>_____ Your name and party designation.</p> <p style="text-align: center;">Judge of the Superior Court</p> <p style="text-align: center;">1</p> <p style="text-align: center;">ORDER CONTINUING TRIAL AND MANDATORY SETTLEMENT CONFERENCE</p>	

Proposed Order Continuing Trial (page 1 of 1)