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# Motion to Deem Facts Admitted

If a party fails to respond to a Request for Admissions entirely, the party who served the Request for Admissions is entitled to a court order deeming each of the facts listed in the Request for Admissions to be true, and each document listed in the Request to be deemed genuine. The judge is also required to order that the responding party to pay the costs of filing the motion. This is called “imposing monetary sanctions.”

## Templates and Forms

- [Motion to Deem Facts Admitted Template – DOCX](https://saclaw.org/sbs-motion-to-deem-facts-admitted-motion-2-2/) (<https://saclaw.org/sbs-motion-to-deem-facts-admitted-motion-2-2/>)
- [Proof of Personal Service – Personal \(POS-020\)](https://www.courts.ca.gov/documents/pos020.pdf) (<https://www.courts.ca.gov/documents/pos020.pdf>)
- [Proof of Personal Service – Mail \(POS-030\)](https://www.courts.ca.gov/documents/pos030.pdf) (<https://www.courts.ca.gov/documents/pos030.pdf>)

During discovery, each party may serve one or more sets of Requests for Admissions, asking the opposing side to admit that

- that one or more facts are true or
- one or more documents are genuine.

If a party admits a fact, or admits that a document is genuine, that fact, or the genuineness of the document, does not need to be proven at trial.

### **Special Discovery Deadline: 15 Days before Trial**

**If a trial date has been set, there is an extra deadline to consider: Discovery motions such as this one must be heard at least 15 days before trial.** [CCP § 2024.020](#)

([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2024.020](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2024.020)).

If a motion to deem the admissions admitted is filed, the responding party can prevent his or her admissions being deemed true by serving adequate responses prior to the hearing date of the motion. Generally the responding party still must pay the sanction.

Note: even if your motion is granted, it may be possible for the party whose admissions were deemed admitted to file a Motion for Relief from Admissions under certain circumstances. For more information on this process, see our guide to [Motion for Relief from Admissions](#)

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[\(https://saclaw.org/resource\\_library/relief-from-admissions/\)](https://saclaw.org/resource_library/relief-from-admissions/) .

Unless a successful Motion for Relief from Admissions is filed, any admissions deemed admitted must be considered true by the court or jury, and the party whose admissions were deemed admitted will be prevented from presenting evidence inconsistent with the admitted facts at trial.

## Related Discovery Guides

Visit our [Discovery topic page](https://saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/#research_guides) ([https://saclaw.org/legal\\_topic/discovery-process-to-get-evidence-from-other-side/#research\\_guides](https://saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/#research_guides)) for a complete list of our discovery guides and videos.

## Requests for Admissions are unique

Requests for Admissions are the only type of discovery with this “motion to deem” remedy.

If a party fails to respond to interrogatories or requests for production, the requesting party files a [Motion to Compel Discovery Responses](https://saclaw.org/resource_library/motion-to-compel-discovery-responses/) ([https://saclaw.org/resource\\_library/motion-to-compel-discovery-responses/](https://saclaw.org/resource_library/motion-to-compel-discovery-responses/)) . For help with or more information on these types of motions, see the resources listed at the end of this Guide.

Also attached to this guide is a sample motion asking a court to issue an order that the court deem each statement in a Request for Admissions to be true, and for monetary sanctions in the amount of the motion fee and any attorney fees for filing the motion. Self-represented litigants in Sacramento may only receive attorney fees if they actually hired an attorney to work in any capacity on the motion.

## Step by Step Instructions

### 1 Schedule the Hearing

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/) (<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 to 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/](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

In the Civil Home Departments, for most motions, you must reserve a court date through the court’s online reservation system. (Exceptions are discovery-related motions to compel, which must be reserved in advance by calling the clerk of the assigned department.)

For other departments, contact the department clerk to determine the procedure.

To use the online system, go to [the Sacramento Court Public 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**

**Disclaimer!** 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.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.

NOTE: the court must receive the documents by that day. Postmark will not count.

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.

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

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 a copy of the motion served on all other attorneys (or self-represented parties) by a strict deadline set by law. Earlier is always fine.

*Personal service:* 16 **court** days before the hearing, the same as the minimum filing deadline. The server should 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.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1005.)). The server should 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>)

“Court days” are business days – Monday – Friday, except holidays.

“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 mail 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 “pleading paper,” using the template above. Instructions and a sample motion are at the end of this guide.**

A request to deem an opposing party’s admissions true is made through a **motion**.

A motion is a request to the judge to issue an order of some sort. A written motion consists of four parts (the Notice of Motion and Motion are combined):

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

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

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 Memorandum of 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, supporting the motion.

The Declaration must contain the evidence you need to prove the facts you are asserting. Usually this will be by someone stating the facts under penalty of perjury. Often, it will also include photographs or documents that support your assertions. In most cases, the person making the motion will make the declaration. If someone else has personal knowledge of important facts, that person should also be asked for a declaration.

**You must show that you served the Requests for Admission, and on what date.** To do this, attach a copy of the signed Proof of Service demonstrating the date and method of service to your declaration as an exhibit. You may need additional exhibits depending on your situation.

For tips and examples of how to write a declaration and what should be included, see our article “[Declaration Tips](https://saclaw.org/resource_library/declaration-tips/) ([https://saclaw.org/resource\\_library/declaration-tips/](https://saclaw.org/resource_library/declaration-tips/)).”

In your Memorandum, you must explain the facts of your situation, explain the law, and demonstrate how the law applies to those facts. This usually requires original research, analysis, and writing. At the end of this guide, you will find a list of reference books with good starting points for civil motion research.

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### 3 Have Your Documents Served on the Attorney(s) or Self-Represented Party(s)

You must serve one copy on each other party in the case, and have the server sign the Proof of Service form.

You must have someone serve your papers on the other attorney or self-represented party in the case. (If there are more than two parties, you must serve all parties, or their attorneys if they have one).

Service must be complete 16 court (business) days before the hearing date, plus five calendar days if you have it served by mail.

**Tip:** If the mailing deadline (16+5 days) has passed, but there are still more than 16 court days before the hearing, you can have it served by personal delivery. If you miss the service deadline entirely, you will need to re-schedule your motion.

#### **Proof of Service form:**

After service is done, you will need to file a Proof of Service signed by the server. If serving by mail, you can use [Proof of Service by Mail \(POS-030\)](https://www.courts.ca.gov/documents/pos030.pdf) (<https://www.courts.ca.gov/documents/pos030.pdf>). For personal service, use [Proof of Personal Service \(POS-020\)](https://www.courts.ca.gov/documents/pos020.pdf) (<https://www.courts.ca.gov/documents/pos020.pdf>). You can fill most of the Proof of Service out now, but it should not be signed. **Make a copy of the unsigned proof of service before proceeding** and include it with the motion papers when you have them served.

After serving the papers, your server will sign the Proof of Service form, and give it to you.

Attach the original signed Proof of Service to your original signed motion. If you are using an optional copy for yourself, attach a copy of the Proof of Services to that.

You can also file it as a separate document, without attaching it to your motion papers.

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## 4 Assemble your Documents for Filing

*If you are e-filing, you will simply email the documents to the e-filing provider of your choice.*

Assemble your packet for filing as follows. The original should be unstapled, while any copy is stapled.

- Motion, including Memorandum of Points and Authorities and Declaration with exhibits: original plus one optional copy to be returned to you.
- Proposed Order, if included, plus one optional copy.
- Completed Proof of Service form: The original plus plus one optional copy. This proof of service can filed as its own document, or it can be attached as the last page of the Motion when filing. If it is attached, then attach the original signed Proof of Service to the original signed Motion.
- Any other documents, such as Request for Judicial Notice, should be treated the same way: create a stack of original plus one optional copy and file along with the others.

If you are submitting the papers in the dropbox, you will find cover sheets and large binder clips to hold the whole package together near the box.

## 5 File Your Motion Papers by the Deadline

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.

In Sacramento, all civil moving papers, oppositions, and replies can be e-filed, mailed to the court, or filed in person.

Related: [Filing Papers in Civil Court in Sacramento Superior Court](https://saclaw.org/resource_library/filing-papers-in-civil-cases-in-sacramento-superior-court/) ([https://saclaw.org/resource\\_library/filing-papers-in-civil-cases-in-sacramento-superior-court/](https://saclaw.org/resource_library/filing-papers-in-civil-cases-in-sacramento-superior-court/))

Your options are:

- Wait in line to file with the clerk at the filing counter (Tani G. Cantil-Sakauye Courthouse, 500 G St., 2nd Fl., Sacramento, CA 95814).
- 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 efilng 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.

At this time there is a \$60 filing fee for a motion, unless your fees were waived. Dropbox filings must include a check or money order/cashiers check, no credit cards. Credit cards can be accepted at the counter or used when efilng.

**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. If you do not yet have 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/](https://www.saclaw.org/resource_library/fee-waiver/)).

## 6 The Other Party Can Serve Proposed Responses and Defeat the Motion

If the other party serves proper responses without objections prior to your hearing, the court cannot grant your motion.

If the responding party serves a proposed response that is in substantial compliance with the provisions governing responses, the judge must deny your request. (CCP § 2033.280(c)). To be considered in "substantial compliance," the response must provide a proper answer to each numbered request. That is, they must admit, deny, or state that they cannot admit or deny due to lack of sufficient information for each. Because their response is untimely, they are not permitted to object to any requests. In addition, the response must be in proper format and must be verified (signed under penalty of perjury).

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## 7 Opposition to Motion and Your Optional Reply

If the other party serves an Opposition but no proposed responses, you may choose to file a Reply.

**Reply to Opposition:** If the other attorney or party opposes your motion without serving such proposed responses, 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&sectionNum=1005](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=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. In this case you could raise the fact that you have not received proposed responses. No fee is required to file a reply. See 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.

## 8 Review Tentative Ruling at 2 p.m. the Court Day before the Hearing; Schedule Argument by 4 p.m. if Necessary

Before the hearing, the judge reads the papers and decides how they plan to rule. They post the decision on the court's website the day before the hearing. If a party wants a chance to speak to the judge to change their mind, they must notify the other party and the court by 4 p.m.

Most California courts use the tentative ruling system. In Sacramento, pursuant to [Local Rule 1.06](#) (<https://www.saccourt.ca.gov/general-information/local-rules-standing-orders>), the Civil Home Court departments issue tentative rulings on the motion by 2:00 p.m. **the court day before the hearing**. You then have two hours to request oral argument, if you choose to do so. Other departments may have different times or may not use tentative rulings; check with the department clerk.

### Warning!

### Your hearing will be canceled

If neither party calls the court, the hearing will be canceled and you will not be permitted to talk to the judge.

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You may [read the tentative ruling online](https://www.saccourt.ca.gov/indexes/new-portal-info.aspx) (<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 Sacramento County Superior Court's [Civil Tentative Rulings](https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf) (<https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf>) page.

Closely review the Tentative Ruling. If you are making the motion, you are looking for your motion to be "GRANTED." If you are opposing the motion, you are looking for the motion to be "DENIED." The motion may also be "GRANTED IN PART" and "DENIED IN PART." The judge sometimes orders the parties to appear ("APPEARANCE REQUIRED"), even if neither party requests oral argument.

**Losing party:** If you are not happy with the Tentative Ruling, and wish to present oral argument in front of the judge, you must call all opposing counsel and/or self-represented parties right away. Let them know that that you are appearing, and that they can appear via Zoom. Leaving a message is fine.

Then call the Law and Motion Oral Argument Request Line at (916) 874-2615 before 4:00 p.m. Leave a message with the following information: 1. Your name, and that you want to appear; 2. the item number (to the left of your case number on the Tentative Ruling); and 3. that you have let the other parties know you are appearing, and that they can appear via Zoom.

**Note:** carefully consider whether it is worth your time to request oral argument. It is very rare for judges to change their mind, but it does happen sometimes.

**Winning party:** If you are happy with the Tentative Ruling, you **do not** need to do anything unless the Tentative Ruling orders you to appear, or the other side calls you before 4:00 p.m. that day to request oral argument. If that happens, you should go to the court hearing in person or by Zoom and be prepared to argue your case.

If neither party requests oral argument by 4:00 p.m., the court will simply make the tentative ruling permanent, and no oral argument will be permitted.

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## 9 Attend the Hearing, if Required

If neither party calls the court and opposing party to request oral argument, the hearing will be cancelled, and the tentative ruling will become final.

If you or the other party request oral argument, arrive in court or log onto Zoom early. There will probably be other cases scheduled at the same time; there is usually a list posted on the wall outside the courtroom that lists the order in which cases will be heard. Go into the courtroom or Zoom waiting room and check in with the bailiff or clerk.

### **In Person**

All Law and Motion hearings will take place at 500 G St., Sacramento (the new Railyard area courthouse).

### **Zoom Hearings**

For most types of motions, you can appear remotely by connecting on the Zoom app. The tentative ruling will explain how to connect.

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.

If you have questions about the order, you can ask them at the hearing. Make sure you understand if you are expected to do something as a result of the order. For instance, if you are ordered to file an amended complaint or serve responses, make sure you know the deadline and what is expected.

## **For Help**

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

609 9<sup>th</sup> 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, Vol. 2, § 9.72 et seq.

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

**California Practice Guide: Civil Procedure Before Trial** KFC 95 .W4, Vol. 2, Chap. 8G.

**California Forms of Pleading and Practice** KFC 1010 .A65 C3 (Ready Reference), Vol. 2A, Chap.13.

Electronic Access: On the Law Library's computers, using Lexis Advance.

**California Points and Authorities** KFC 1010 .B4 (Ready Reference), Vol. 8, Chap. 86

Electronic Access: On the Law Library's computers, using Lexis Advance.

# Samples and Instructions

## Motion to Deem Facts Admitted

**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. When you print your motion, be sure to use BLACK ink for your text. The Court will reject your papers if they are in blue type.

1 Name: **Darryl Draper**  
 2 Address: **123 Main St.**  
**Sacramento, CA 95814**  
 3 Telephone: **916-555-1212**  
**Defendant, In Pro Per**

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.

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5 The name of the court goes on line 8 of the first page. In the caption, identify the plaintiff and defendant, replacing PEGGY POUNDSTONE with the name of the Plaintiff and DARRYL DRAPER with the name of the Defendant.

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8 SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO

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10 **Peggy Poundstone,**  
 Plaintiff,  
 vs.  
 13 **Darryl Draper,**  
 Defendant

Use your case number

Case No.: **34-2014-01234567**

NOTICE OF MOTION AND MOTION FOR ORDER DEEMING ADMITTED TRUTH OF FACTS AND GENUINENESS OF DOCUMENTS AND IMPOSING MONETARY SANCTIONS

Date: **July 6, 2014**  
 Dept/Time: **Dept. 53 at 2:00 p.m.**

Date Complaint was filed: **January 10, 2014**

16 NOTICE IS HEREBY GIVEN that on **July 6, 2014, at 2 p.m.**, or as soon as possible, the motion shall be heard, in **Dept. 53** of this court, located at 813 6th St., Sacramento, CA 95814. **Draper** will, and hereby requests the court to grant to Sections 2023.010 et seq. and 2033.280 of the Code of Civil Procedure (Deering's) that the truth of all specified matters, and the genuineness of all specified documents, in his Request For Admissions, Set No. **One**, served on Plaintiff **Peggy Poundstone** on **March 3, 2014** be deemed admitted, and for monetary sanctions against responding party **Peggy Poundstone** and her attorney **Arlen Alda** in the amount of \$92. The motion will be made on the grounds that the responding party **Peggy Poundstone** failed to serve a timely response to the moving party's above-described Request for Admissions.

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

Change the dates, times, departments, and addresses to fit your case.

25 This section identifies what you are asking for, and the grounds justifying your request.

26

27

28 Be sure to include a footer with the name of the document and page numbers.

NOTICE OF MOTION AND MOTION FOR ORDER DEEMING ADMITTED TRUTH OF FACTS AND GENUINENESS OF DOCUMENTS AND IMPOSING MONETARY SANCTIONS

Motion Deeming Truth of Facts and Genuineness of Documents, Page 1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>The motion will be based on this notice of motion; on the declaration of <u>Darryl Draper</u> and the copies of the Requests for Admissions attached thereto as Exhibit A; the memorandum filed herewith; on the records and file herein; and on such evidence as may be presented at the hearing of the motion.</p> <p><b>Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded from the Court's public access site. If you do not have online access, you may call the dedicated phone number for the department as referenced in the local telephone directory, between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and listen to the tentative ruling. If the party does not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.</b></p> <p>Dated: <u>May 28, 2014</u></p> <p style="text-align: right;"><u>Darryl Draper</u> Darryl Draper Defendant, In Pro Per</p> <hr/> <p style="text-align: center;">NOTICE OF MOTION AND MOTION FOR ORDER DEEMING ADMITTED TRUTH OF FACTS AND GENUINENESS OF DOCUMENTS AND IMPOSING MONETARY SANCTIONS</p> <p style="text-align: center;">- 2 -</p>	
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This language is required in Sacramento for motions heard in Dept. 53 and 54. Other courts have different requirements.

Motion Deeming Truth of Facts and Genuineness of Documents, Page 2

A Memorandum of Points and Authorities presents the legal argument that explains to the court why it can, and should, grant your motion. For this motion, the argument is simple: the law says you are entitled to the order because the responding party failed to respond.

**Memorandum of Points and Authorities**

**I. BACKGROUND**

Background facts (with citations to the appropriate paragraph of your Declaration).

This motion arises from Defendant Darryl Draper's Request for Admissions. On March 3, 2014, the moving party served his first set of requests for admissions on Plaintiff Peggy Poundstone by mail. (Darryl Draper Decl., ¶ 2.) The time for Plaintiff to serve a timely response expired on April 9, 2014. The moving party has received no response to date. (Darryl Draper Decl., ¶ 3.)

Use the name of the person or persons who is (are) making the declaration(s) supporting the motion.

The moving party is now asking the court to order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, and that Plaintiff pay the moving party \$92 in monetary sanctions.

**II. LEGAL ARGUMENT**

**A. Pursuant to California Code of Civil Procedure (CCP) § 2033.280(b), the Court Must Order that the Genuineness of Documents and/or Truth of All Matters Specified in Moving Party's Request for Admissions Set No. One Be Deemed Admitted**

If a party to whom requests for admission have been directed fails to serve a timely response, the requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted. (Code Civ. Proc. § 2033.280(b) (Deering's)). The court shall make the requested order for deemed admissions, unless it finds that before the hearing on the motion the party to whom the requests for admission have been directed has served a proposed response to the requests for admission that is in substantial compliance with CCP §§ 2033.210–2033.230. (Code Civ. Proc. § 2033.280(c) (Deering's)).

In this case, the time for the responding party to serve a timely response expired on April 9, 2014, and no response has been served at this time. (Darryl Draper Decl., ¶ 3.) As a result, the court must make the requested order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted.

MEMORANDUM OF POINTS AND AUTHORITIES SUPPORTING MOTION FOR ORDER  
DEEMING ADMITTED TRUTH OF FACTS AND GENUINENESS OF DOCUMENTS AND  
IMPOSING MONETARY SANCTIONS



The declaration is a statement sworn under penalty of perjury that you wish the court to consider when deciding your motion. Change the name Darryl Draper to that of the person making the declaration (typically you).

DECLARATION

1  
2 1. I, Darryl Draper, am the Defendant in this matter, and I declare the following in support of  
3 my motion to deem matters in my Request for Admissions Set No. One to be admitted, and for  
4 sanctions.

This should be the relationship of the person making the declaration to the case.

5 2. On March 3, 2014, I served my First set of Requests for Admissions on Plaintiff Peggy  
6 Poundstone by mail. A copy of those Requests for Admissions including Proof of Service is attached  
7 as Exhibit A and incorporated by reference.

8 3. The time for Poundstone to serve a response in a timely manner expired on April 9, 2014,  
9 and I have not at this time received any response.

The declaration must contain the facts to support your motion. For a motion to deem admissions to be admitted, you must show that you served the Request for Admissions, that the other party never responded, and the expenses you are claiming as sanctions.

11 4. As a result of Poundstone's failure to respond to the Request for Admissions described  
12 above, I have necessarily incurred the following reasonable expenses:

13 \$ 60 Costs of filing the motion  
14 \$ 7 Photocopying  
15 \$ 25 Transportation to and from court  
16 \$ Other: \_\_\_\_\_

17 The declaration must be declared under penalty of perjury. If it is not, the court cannot  
18 consider it as evidence in your motion.

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

21  
22 Dated: May 28, 2014

23 Use the date you are  
24 signing the declaration.

Darryl Draper  
Darryl Draper  
Defendant, In Pro Per

25 Change this to the name and  
26 title of the person making the  
27 declaration.

28  
DECLARATION SUPPORTING MOTION FOR ORDER DEEMING ADMITTED TRUTH OF  
FACTS AND GENUINENESS OF DOCUMENTS AND IMPOSING MONETARY SANCTIONS

Motion Deeming Truth of Facts and Genuineness of Documents, Page 5

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# Defendant's Request for Admissions, Set No. One

## Exhibit A

DECLARATION OF  
FACTS AND GENUINENESS

DEEMED TRUTH OF  
FACTS AND GENUINENESS

Motion Deeming Truth of Facts and Genuineness of Documents, Exhibit A (Request for Admissions)

Proposed Order

1 The moving party must provide a proposed order for the judge to sign. The judge may sign  
 2 off on this, alter it, or in rare cases, write his or her own order.

3 Name: Darryl Draper  
 4 Address: 123 Main St.  
 5 Sacramento, CA 95814  
 6 Telephone: 916-555-1212  
 7 Defendant, In Pro Per

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

12 The name of the court goes on line 8 of the first page. In the caption, identify the  
 13 plaintiff and defendant, replacing PEGGY POUNDSTONE with the name of the  
 14 Plaintiff and DARRYL DRAPER with the name of the Defendant.

15 SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO

16 Use your  
 17 case number

18 Case No.: 94-2014-01234567

19 Peggy Poundstone,  
 20 Plaintiff,  
 21 vs.  
 22 Darryl Draper,  
 23 Defendant

24 [PROPOSED] ORDER DEEMING  
 25 ADMITTED TRUTH OF FACTS AND  
 26 GENUINENESS OF DOCUMENTS AND  
 27 IMPOSING MONETARY SANCTIONS

28 Date: July 6, 2014  
 Dept/Time: Dept. 53 at 2:00 p.m.

29 Date Complaint was filed: January 10, 2014

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

34 The motion of Defendant Darryl Draper for an order that the truth of  
 35 documents, in the Request for Admissi  
 36 Plaintiff Peggy Poundstone on March 3, 2014, be deemed admitted, and  
 37 that Poundstone and/or his/her attorney Arlen Alda pay to moving party Darryl Draper the amount of  
 38 his/her reasonable expenses incurred in obtaining this order, came on regularly for hearing on July 6,  
 39 2014. Defendant Darryl Draper appeared in pro per; Plaintiff Peggy Poundstone appeared by counsel  
 40 Arlen Alda.

41 On proof made to the satisfaction of the court that the motion ought to be granted,

42 ORDER DEEMING ADMITTED TRUTH OF FACTS AND GENUINENESS OF  
 43 DOCUMENTS AND IMPOSING MONETARY SANCTIONS

44 - 1 -

45 Be sure to include a footer with the name  
 46 of the document and page numbers.

Proposed Order, page 1



List exactly what you are requesting (make sure it matches what you requested in the Motion!)

1 IT IS ORDERED that the motion be, and hereby is, granted and that the truth of all specified matters,  
2 and the genuineness of all specified documents, in the Request for Admissions, Set No. **One**,  
3 propounded by moving party and served on Plaintiff **Peggy Poundstone** on **March 3, 2014**, be deemed  
4 admitted.

5  
6 IT IS FURTHER ORDERED that **Peggy Poundstone** and/or her attorney **Arlen Alda** pay forthwith to  
7 moving party **Darryl Draper** \$92 on or before **July 16, 2014**, for his reasonable expenses in making  
8 this motion.

9  
10  
11 Dated: \_\_\_\_\_.

12 \_\_\_\_\_  
13 Judge of the Superior Court

14  
15 Leave the date and signature blank for the  
16 judge to fill out.

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ORDER DEEMING ADMITTED TRUTH OF FACTS AND GENUINENESS OF  
DOCUMENTS AND IMPOSING MONETARY SANCTIONS

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