

Motions Part 1: Scheduling and Writing Your Motion

Guide to bringing a motion in civil court in California, Steps 1-2.

Related Guides

This is part one of a series of guides on preparing, filing, and arguing a motion in Sacramento County Superior Court.

[Motions Part 1: Steps 1-2](https://saclaw.org/resource_library/motions-part-1-scheduling-and-writing-your-motion/)

[Motions Part 2: Steps 3-6](https://saclaw.org/resource_library/motions-part-2-preparing-paperwork-and-filing-in-court/)

[Motions Part 3: Steps 7-9](https://saclaw.org/resource_library/motions-part-3-opposition-and-reply-papers-tentative-rulings-and-attending-the-hearing/)

The first steps in having a motion heard are to schedule the motion (usually by making reservations with the court) and researching and writing the motion.

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 25, 28, 53, or 54. [Check your case file online](https://prod-portal-sacramento-ca.journaltech.com/public-portal/) to find which department your case is assigned to.

Note: Prior to November 10, 2025, each civil case was assigned to either Department 53 or 54 for most motions. If your case was filed before that date, **its assigned department may have 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/)

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, you must reserve a court date through the court's online reservation system. 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§ionNum=1005.) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=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](http://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](http://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	
6	7	8					12				Day 11		
13	14	15	16	17	18	19				4	5	6	7
20	21	22	23	24	25	26				Day 8	Day 9	Day 10	8
27	28	29	30	31						11	12	13	14
										Day 5	Day 4	Day 3	15
										18	19	20	21
										Hearing Date		22	23
										24	25	26	27
										28	29	30	

Day 5 falls on a weekend, so the last day for service by mail rolls over to the previous court day.

Day 5 is the last day to serve by mail. The court date is set for Day 5. If Day 5 is a weekend, the court date is moved to the previous court day (Day 4).

Day 16 is the last day to file. The court date is set for Day 16. If Day 16 is a weekend, the court date is moved to the previous court day (Day 15).

Holiday is a court holiday. The court date is moved to the previous court day (Day 14).

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§ionNum=1005.))

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

Research and write your declaration and memorandum

There is no pre-printed form for this motion. You will need to customize a motion on “pleading paper.” You can download a template from the list above. Instructions and a sample motion are at the end of this guide.

There is a Judicial Council form for this motion, listed above. In addition, you may need to create some documents on “pleading paper.” You can download the forms and templates for these documents from the list above. Instructions and a sample motion are at the end of this guide.

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.

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/).

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.

Next steps: [Motions Part 2: Steps 3-6](#) (https://saclaw.org/resource_library/motions-part-2-preparing-paperwork-and-filing-in-court/)

Last steps: [Motions Part 3: Steps 7-9](#) (https://saclaw.org/resource_library/motions-part-3-opposition-and-reply-papers-tentative-rulings-and-attending-the-hearing/)