

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/) (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/) (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/) (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 “Law and Motion” departments. These are Department 53, which hears motions Tuesday-Thursday at 2 p.m.; and Department 54, which hears them Tuesday-Thursday at 9 a.m.

Your case is assigned to one or the other department when it is filed.

- For cases filed since about April 15, 2023: [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 you are assigned to.

- For cases filed before then, if your case number is odd, it was assigned to Department 53. If it is even, it was assigned to Department 54.

Reserve the date for the hearing

In Departments 53 and 54, 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.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 § 12c](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12c.&lawCode=CCP) (https://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

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

Determine the legal deadline to serve the motion on the other parties or their attorneys

You must have all other attorneys (or self-represented parties) served with a copy of the motion, then have the server fill out a Proof of Service which you file along with the motion. This means that someone over the age of 18 who is not a party in the case must either mail or personally deliver a copy of the motion and related documents to them. There is a strict deadline to do this (earlier is always fine).

Personal service: 16 **court** days before the hearing, the same as the minimum filing deadline. The server can fill out [Proof of Personal Service—Civil \(POS-020\)](https://www.courts.ca.gov/documents/pos020.pdf) (<https://www.courts.ca.gov/documents/pos020.pdf>).

Service by mail: 16 court days before hearing PLUS five **calendar** days before the hearing (more if the mailing address is outside California). ([CCP § 1005](https://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—Civil](https://www.courts.ca.gov/documents/pos030.pdf). (<https://www.courts.ca.gov/documents/pos030.pdf>)

“Calendar days” include weekends and holidays, but if the final day lands on a weekend or holiday, it is pushed back to the previous court day.

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. Research and write your declaration and memorandum

In your papers, 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.

There are no Judicial Council forms for most civil motions. Instead, the relevant documents must be typed on 28-line pleading paper.

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/).”

You will find forms and customizable templates linked at the tops of our guides.

Next steps: [Motions Part 2: Steps 3-6](https://saclaw.org/resource_library/motions-part-2-preparing-paperwork-and-filing-in-court/) (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/) (https://saclaw.org/resource_library/motions-part-3-opposition-and-reply-papers-tentative-rulings-and-attending-the-hearing/)