

Motions Part 3: Opposition and Reply Papers, Tentative Rulings, and Attending the Hearing

Guide to bringing a motion in civil court in California, Steps 7-9.

Related Guides

This is part three 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 next steps are to wait for opposition papers, if any, and write your reply (optional), then check the tentative ruling the day before the hearing, and attend the hearing if necessary.

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 our guide on [Writing, Scheduling, and Opposing Motions](#) (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

Most California courts use the tentative ruling system. In Sacramento, 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>), Departments 53 and 54 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 you nor the other party calls the court, the hearing will be canceled and you will not be permitted to talk to the judge.

You may read the tentative ruling online or call the assigned department to hear it. For more information, see the Sacramento County Superior Court's [Civil Tentative Rulings](http://www.saccourt.ca.gov/civil/motions-hearings-tentative.aspx) (<http://www.saccourt.ca.gov/civil/motions-hearings-tentative.aspx>) 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, 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, and the clerk for Department 53 ((916) 874-7858) or Department 54 ((916) 874-7848) no later than 4:00 p.m. the court day before your hearing and state that you are requesting oral argument. **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 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.

9. Attend the Hearing, if Required

If you or the other party request oral argument, arrive 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.

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. Sometimes the judge will ask the winning party to write the order in proper format for the judge to sign.

First steps: [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/)

Middle 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/)

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