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# 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/](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/](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/](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 the Moving Party's Optional Reply Papers

The opposing party must file written opposition or risk losing automatically. The moving party may file and serve a Reply, but it is optional.

If any opposing counsel or self-represented party opposes the motion, they may serve and file an opposition at least **nine court days** prior to the hearing. No fee is required to file an opposition.

- More on [Filing Papers in Civil Court in Sacramento](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/))

- More on [Serving Documents by Mail](https://saclaw.org/resource_library/serving-documents-by-mail/) ([https://saclaw.org/resource\\_library/serving-documents-by-mail/](https://saclaw.org/resource_library/serving-documents-by-mail/))

**Written Opposition is required.** Going to the hearing is not sufficient. If you do not file a written Opposition on time, the judge will probably grant the Motion and cancel the hearing.

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.

The moving party 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 the 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/](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/online-services/case-search) (<https://www.saccourt.ca.gov/online-services/case-search>) 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/home/showpublisheddocument/237/639084036367800000) (<https://www.saccourt.ca.gov/home/showpublisheddocument/237/639084036367800000>) 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.

## 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.

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/)