

Table of Contents

PART I. GENERAL MOTIONS

CHAPTER 1. SAMPLE MOTION FOR ORDER DISQUALIFYING COUNSEL

- § 1:1 Sample motion for order disqualifying counsel—
Notice of motion and motion
- § 1:2 —Memorandum
- § 1:3 —Declaration
- § 1:4 —*[Proposed]* order

CHAPTER 1A. SAMPLE MOTION FOR ORDER DISQUALIFYING COUNSEL (INADVERTENT DISCLOSURE OF PRIVILEGED INFORMATION)

- § 1A:1 Sample motion for order disqualifying counsel
(inadvertent disclosure of privileged
information)—Notice of motion and motion
- § 1A:2 —Memorandum
- § 1A:3 —Declaration
- § 1A:4 —*[Proposed]* order

CHAPTER 2. SAMPLE MOTION TO DISQUALIFY ARBITRATOR (CONTRACTUAL ARBITRATION)

- § 2:1 Sample motion to disqualify arbitrator (contractual
arbitration)—Notice of motion and motion
- § 2:2 —Memorandum
- § 2:3 —Declaration
- § 2:4 —*[Proposed]* order

CHAPTER 3. SAMPLE MOTION TO DISQUALIFY ARBITRATOR (JUDICIAL ARBITRATION)

- § 3:1 Sample motion to disqualify arbitrator (judicial
arbitration)—Notice of motion and motion
- § 3:2 —Memorandum
- § 3:3 —Declaration
- § 3:4 —*[Proposed]* order

CHAPTER 3A. SAMPLE MOTION FOR ORDER RESCINDING/MODIFYING GUARDIAN AD LITEM ACTION

- § 3A:1 Sample motion for order rescinding/modifying guardian ad litem action—Sample motion for order rescinding/modifying action taken by guardian ad litem
- § 3A:2 —Memorandum
- § 3A:3 —Declaration
- § 3A:4 —[Proposed] order

CHAPTER 4. SAMPLE MOTION FOR RECONSIDERATION

- § 4:1 Sample motion for reconsideration—Notice of Motion and Motion
- § 4:2 —Memorandum
- § 4:3 —Declaration
- § 4:4 —*[Proposed]* order

CHAPTER 5. SAMPLE MOTION TO RENEW PRIOR MOTION

- § 5:1 Sample motion to renew prior motion—Notice of motion and motion
- § 5:2 —Memorandum
- § 5:3 —Declaration
- § 5:4 —*[Proposed]* order

CHAPTER 5A. SAMPLE EX PARTE APPLICATION TO SET ASIDE RENEWAL ORDER

- § 5A:1 Sample ex parte application to set aside renewal order—Sample ex parte application to revoke/set aside order made on motion to renew
- § 5A:2 —Memorandum
- § 5A:3 —Declaration
- § 5A:4 —[Proposed] Order

CHAPTER 6. SAMPLE MOTION TO EXTEND TIME

- § 6:1 Sample motion to extend time—Notice of motion and motion
- § 6:2 —Memorandum
- § 6:3 —Declaration
- § 6:4 —*[Proposed]* order

TABLE OF CONTENTS

**CHAPTER 7. SAMPLE EX PARTE
APPLICATION TO EXTEND TIME
(GENERAL FORM)**

- § 7:1 Sample ex parte application to extend time
(general form)—Application
- § 7:2 —Memorandum
- § 7:3 —Declaration
- § 7:4 —*[Proposed]* order

**CHAPTER 8. SAMPLE MOTION TO
DISQUALIFY JUDGE**

- § 8:1 Sample motion to disqualify judge—Motion
- § 8:2 —Memorandum
- § 8:3 —Declaration
- § 8:4 —Verified statement
- § 8:5 —*[Proposed]* order

**CHAPTER 8A. SAMPLE MOTION TO
DISQUALIFY JUDGE (FINANCIAL
INTEREST)**

- § 8A:1 Sample motion to disqualify judge (financial
interest)—Motion
- § 8A:2 —Memorandum
- § 8A:3 —Declaration
- § 8A:4 —Verified statement
- § 8A:5 —*[Proposed]* order

**CHAPTER 8B. MOTION TO DISQUALIFY
JUDGE—PERSONAL KNOWLEDGE**

- § 8B:1 Motion to Disqualify Judge—Personal Knowledge

**CHAPTER 8C. MOTION TO DISQUALIFY
JUDGE—IMPARTIALITY**

- § 8C:1 Motion to Disqualify Judge—Impartiality

**CHAPTER 9. SAMPLE PEREMPTORY
CHALLENGE TO JUDGE**

- § 9:1 Sample peremptory challenge to judge—
Peremptory challenge declaration
- § 9:2 —Order

**CHAPTER 9A. PEREMPTORY
CHALLENGE—CONTINUATION RULE**

- § 9A:1 Peremptory Challenge—Continuation Rule

CHAPTER 9B. MOTION FOR ORDER APPOINTING REFEREE (NON- DISCOVERY)

- § 9B:1 Sample motion for order appointing referee
(non-discovery)—Notice of motion and motion
- § 9B:2 —Memorandum
- § 9B:3 —Declaration
- § 9B:4 —*[Proposed]* Order

CHAPTER 9C. SAMPLE MOTION FOR PREFILING ORDER AND ORDER TO FURNISH SECURITY FOR VEXATIOUS LITIGANT

- § 9C:1 Sample Motion for Prefiling Order and Order to
Furnish Security for Vexatious Litigant—Notice
of Motion and Motion
- § 9C:2 —Memorandum
- § 9C:3 —Declaration
- § 9C:4 —*[Proposed]* Order

CHAPTER 9D. SAMPLE MOTION DECLARING PLAINTIFF VEXATIOUS LITIGATOR UNDER 391/391.7 PROHIBITING FROM FILING LITIGATION WITHOUT FIRST OBTAINING LEAVE

- § 9D:1 Sample motion declaring plaintiff vexatious
litigator under 391/391.7 prohibiting from filing
litigation without first obtaining leave—Notice
of motion and motion
- § 9D:2 —Memorandum
- § 9D:3 —Declaration
- § 9D:4 —*[Proposed]* order

CHAPTER 9E. SAMPLE SEPARATE MOTION: 391/391.3: FOR ORDER TO FURNISH SECURITY

- § 9E:1 Sample separate motion: 391/391.3: for order to
furnish security—Notice of motion and motion
- § 9E:2 —Memorandum
- § 9E:3 —Declaration
- § 9E:4 —*[Proposed]* order

TABLE OF CONTENTS

**CHAPTER 9F. SAMPLE VEXATIOUS
LITIGANT'S APPLICATION TO VACATE
PREFILING ORDER**

- § 9F:1 Sample vexatious litigant's application to vacate
prefiling order—Application to vacate
- § 9F:2 —Memorandum
- § 9F:3 —*[Proposed]* order

**CHAPTER 9G. SAMPLE APPLICATION
FOR ORDER OF CONTEMPT**

- § 9G:1 Sample application for order of contempt—Notice
- § 9G:2 —Application
- § 9G:3 —Memorandum
- § 9G:4 —Declaration
- § 9G:5 —*[Proposed]* order

**CHAPTER 10. SAMPLE MOTION FOR
RELIEF FROM ORDER GENERAL FORM**

- § 10:1 Sample motion for relief from order general
form—Notice of motion and motion
- § 10:2 —Memorandum
- § 10:3 —Declaration
- § 10:4 —*[Proposed]* order

**CHAPTER 10A. SAMPLE MOTION TO
VACATE DEFAULT JUDGMENTS ON
EQUITABLE GROUNDS**

- § 10A:1 Sample motion to vacate default judgments on
equitable grounds—Notice of motion and
motion
- § 10A:2 —Memorandum
- § 10A:3 —Declaration
- § 10A:4 —*[Proposed]* order

**CHAPTER 10B. SAMPLE MOTION FOR
ORDER GRANTING RELIEF FROM
DISMISSAL**

- § 10B:1 Sample motion for order granting relief from
dismissal—Notice of motion and motion
- § 10B:2 —Memorandum
- § 10B:3 —Declaration
- § 10B:4 —*[Proposed]* order

CHAPTER 10C. SAMPLE MOTION FOR ORDER GRANTING RELIEF (REAL PROPERTY)

- § 10C:1 Sample motion for order granting relief (real property)—Notice of motion and motion
- § 10C:2 —Memorandum
- § 10C:3 —Declaration
- § 10C:4 —*[Proposed]* order

CHAPTER 10D. SAMPLE MOTION FOR ORDER GRANTING RELIEF (ACTION STAYED)

- § 10D:1 Sample motion for order granting relief (action stayed)—Notice of motion and motion
- § 10D:2 —Memorandum
- § 10D:3 —Declaration
- § 10D:4 —*[Proposed]* order

CHAPTER 10E. SAMPLE MOTION FOR ORDER GRANTING RELIEF (SERVICE IMPRACTICAL)

- § 10E:1 Sample motion for order granting relief (service impractical)—Notice of motion and motion
- § 10E:2 —Memorandum
- § 10E:3 —Declaration
- § 10E:4 —*[Proposed]* order

CHAPTER 10F. MOTION FOR RELIEF FROM DISMISSAL—VALIDITY OF SERVICE SUBJECT OF LITIGATION

- § 10F:1 Motion for Relief from Dismissal—Validity of Service Subject of Litigation

CHAPTER 11. SAMPLE MOTION FOR RELIEF FROM DEFAULT/JUDGMENT (DEFECTIVE NOTICE)

- § 11:1 Sample motion for relief from default judgment (defective notice)—Notice of motion and motion
- § 11:2 —Memorandum
- § 11:3 —Declaration
- § 11:4 —*[Proposed]* order

TABLE OF CONTENTS

CHAPTER 12. SAMPLE MOTION FOR RELIEF FROM DEFAULT/JUDGMENT (IMPROPER VENUE)

- § 12:1 Sample motion for relief from default/judgment (improper venue)—Notice of motion and motion
- § 12:2 —Memorandum
- § 12:3 —Declaration
- § 12:4 —*[Proposed]* order

CHAPTER 13. SAMPLE MOTION FOR RELIEF FROM DEFAULT / JUDGMENT / DISMISSAL (MANDATORY—ATTORNEY DECLARATION OF FAULT)

- § 13:1 Sample motion for relief from default / judgment / dismissal (mandatory—attorney declaration of fault)—Notice of motion and motion
- § 13:2 —Memorandum
- § 13:3 —Declaration of fault
- § 13:4 —*[Proposed]* order

CHAPTER 14. SAMPLE EX PARTE APPLICATION FOR EXTENSION OF TIME TO PLEAD (GENERAL FORM)

- § 14:1 Sample ex parte application for extension of time to plead (General Form)—Ex parte application (declaration form)
- § 14:2 —Memorandum
- § 14:3 —*[Proposed]* order

CHAPTER 14A. SAMPLE EX PARTE APPLICATION FOR EXTENSION OF TIME TO PLEAD (C.R.C. RULE 3.110(D) 15-DAY EXTENSION)

- § 14A:1 Sample ex parte application for extension of time to plead (C.R.C. Rule 3.110(d) 15-day extension)—New motion declaration
- § 14A:2 —New motion points and authorities
- § 14A:3 —New motion notice to court
- § 14A:4 —New motion proposed order

CHAPTER 15. SAMPLE EX PARTE APPLICATION FOR ORDER SHORTENING TIME

- § 15:1 Sample ex parte application for order shortening time—Ex parte application (declaration form)

- § 15:2 —Memorandum
- § 15:3 —*[Proposed]* order shortening time

CHAPTER 16. MOTION FOR REQUEST FOR JUDICIAL NOTICE

- § 16:1 Sample motion for request for judicial notice—
Notice of motion and motion
- § 16:2 —Memorandum
- § 16:3 —Declaration
- § 16:4 —*[Proposed]* order

CHAPTER 16A. MOTION FOR COMPULSORY JOINDER

- § 16A:1 Sample motion for compulsory joinder—Notice
of motion and motion
- § 16A:2 —Memorandum
- § 16A:3 —Declaration
- § 16A:4 —*[Proposed]* order

CHAPTER 16B. MOTION TO JOIN PARTIES—PLAINTIFFS AND DEFENDANTS

- § 16B:1 Sample motion to join parties—plaintiffs and
defendants—Notice of motion and motion
- § 16B:2 — —Memorandum
- § 16B:3 — —Declaration

CHAPTER 16C. MOTION FOR SEPARATE TRIALS WHERE PARTIES JOINED

- § 16C:1 Motion for Separate Trials Where Parties
Joined

CHAPTER 16D. SAMPLE MOTION FOR JOINDER

- § 16D:1 Sample Motion for Joinder—Notice of Motion
and Motion
- § 16D:2 —Memorandum
- § 16D:3 —Declaration
- § 16D:4 —*[Proposed]* Order

CHAPTER 16E. MOTION FOR CLASS CERTIFICATION

- § 16E:1 Sample motion to class certification—Notice of
motion and motion

TABLE OF CONTENTS

- § 16E:2 —Memorandum
- § 16E:3 —Declaration
- § 16E:4 —*[Proposed]* order

CHAPTER 16F. SAMPLE MOTION TO DECERTIFY CLASS

- § 16F:1 Sample motion to decertify class—Notice of motion and motion
- § 16F:2 —Memorandum
- § 16F:3 —Declaration
- § 16F:4 —*[Proposed]* order

CHAPTER 16G. SAMPLE MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT

- § 16G:1 Sample motion for preliminary approval of class certification—Notice of motion and motion
- § 16G:2 —Memorandum
- § 16G:3 —Declaration
- § 16G:4 —*[Proposed]* order

CHAPTER 16H. APPLICATION FOR WRIT OF ATTACHMENT

- § 16H:1 Notice of application and hearing and application for right to attach order and writ of attachment—Notice
- § 16H:2 —Application

CHAPTER 16I. MOTION FOR ORDER TO FILE UNDERTAKING (NON-RESIDENT)

- § 16I:1 Sample motion for order requiring plaintiff to file an undertaking (non-resident)—Notice of motion and motion
- § 16I:2 —Memorandum
- § 16I:3 —Declaration
- § 16I:4 —Affidavit
- § 16I:5 —*[Proposed]* Order

CHAPTER 16J. SAMPLE APPLICATION FOR STAY AFTER NON-RESIDENT SERVED WITH UNDERTAKING

- § 16J:1 Sample application for stay after non-resident served with undertaking—Sample motion for further proceedings where defendant has moved for order requiring undertaking

- § 16J:2 —Memorandum
- § 16J:3 —Declaration
- § 16J:4 —[Proposed] order

CHAPTER 16K. SAMPLE MOTION FOR UNDERTAKING BY DESIGN PROFESSIONAL

- § 16K:1 Sample motion for undertaking by design professional—Sample motion for order requiring plaintiff to file undertaking in action against architect/landscape architect/engineer/building designer/land surveyor
- § 16K:2 —Memorandum
- § 16K:3 —Declaration
- § 16K:4 —Affidavit
- § 16K:5 —[Proposed] order

CHAPTER 16L. MOTION FOR ORDER TO FILE UNDERTAKING (MEDICAL MALPRACTICE)

- § 16L:1 Sample motion for order requiring plaintiff to file an undertaking (medical malpractice)—Notice of motion and motion
- § 16L:2 —Memorandum
- § 16L:3 —Declaration
- § 16L:4 —Affidavit
- § 16L:5 —*[Proposed]* Order

CHAPTER 16M. SAMPLE MOTION TO EXPUNGE NOTICE OF PENDENCY OF ACTION

- § 16M:1 Sample motion to expunge notice of pendency of action—Notice of motion
- § 16M:2 —Memorandum
- § 16M:3 —Declaration
- § 16M:4 —[Proposed] order re expunging
- § 16M:5 —[Proposed] conditionally expunging

CHAPTER 16N. SAMPLE PETITION FOR WRIT OF MANDAMUS

- § 16N:1 Sample petition for writ of mandamus—Petition

TABLE OF CONTENTS

**CHAPTER 16O. SAMPLE APPLICATION
FOR WRIT OF ADMINISTRATIVE
MANDATE**

§ 16O:1 Sample application for writ of administrative
mandate—Petition

**CHAPTER 16P. SAMPLE APPLICATION
FOR WRIT OF POSSESSION**

§ 16P:1 Sample application for writ of possession—
Notice of application

§ 16P:2 —Application

§ 16P:3 —Memorandum

§ 16P:4 —*[Proposed]* order

**PART II. PRELIMINARY
MOTIONS**

**CHAPTER 17. SAMPLE MOTION FOR
CONSOLIDATION**

§ 17:1 Sample motion for consolidation—Notice of
motion and motion

§ 17:2 —Memorandum

§ 17:3 —Declaration

§ 17:4 —*[Proposed]* order

**CHAPTER 18. SAMPLE MOTION TO
TRANSFER AND CONSOLIDATE CASES
(NON-COMPLEX CASES)**

§ 18:1 Sample motion to transfer and consolidate cases
(non-complex cases)—Notice of motion and
motion

§ 18:2 Sample Motion to Transfer and Consolidate Cases
(Non-complex cases)—Memorandum

§ 18:3 —Declaration

§ 18:4 —*[Proposed]* Order

**CHAPTER 19. SAMPLE MOTION TO
SUBMIT PETITION TO COORDINATE
CASES (COMPLEX CASES)**

§ 19:1 Sample motion to submit petition to coordinate
cases (complex cases)—Notice of motion and
motion

§ 19:2 —Memorandum

§ 19:3 —Declaration

§ 19:4 —[*Proposed*] order

CHAPTER 20. SAMPLE PETITION TO COORDINATE CASES (COMPLEX CASES)

§ 20:1 Sample petition to coordinate cases (complex cases)—Notice of submission of petition

§ 20:2 —Memorandum

§ 20:3 —Declaration

§ 20:4 —Petition

CHAPTER 20A. SAMPLE MOTION FOR STAY PENDING COORDINATION

§ 20A:1 Sample motion for stay pending coordination—
Notice of motion and motion

§ 20A:2 —Memorandum

§ 20A:3 —Declaration

§ 20A:4 —[*Proposed*] order

CHAPTER 21. SAMPLE MOTION TO BIFURCATE (PRIOR SEPARATE TRIAL ON LIABILITY)

§ 21:1 Sample motion to bifurcate (prior separate trial on liability)—Notice of motion and motion

§ 21:2 —Memorandum

§ 21:3 —Declaration

§ 21:4 —[*Proposed*] order

CHAPTER 21A. SAMPLE MOTION TO SEVER (CLAIMS, CAUSES OF ACTION, ISSUES)

§ 21A:1 Sample motion to sever—Notice of motion and motion

§ 21A:2 —Memorandum

§ 21A:3 —Declaration

§ 21A:4 —[*Proposed*] order

CHAPTER 21B. MOTION TO BIFURCATE EVIDENCE OF DEFENDANT'S PROFITS OR FINANCIAL CONDITION

§ 21B:1 Sample motion to bifurcate evidence of defendant's profits or financial condition—Ex parte application for order

§ 21B:2 — —Memorandum

§ 21B:3 — —Declaration

§ 21B:4 — —[*Proposed*] order

TABLE OF CONTENTS

**CHAPTER 21C. MOTION TO BIFURCATE
STATUTE OF LIMITATIONS ISSUE
(MEDICAL MALPRACTICE)**

- § 21C:1 Sample motion to bifurcate statute of
limitations issue (medical malpractice)—Notice
of motion and motion
- § 21C:2 —Memorandum
- § 21C:3 —Declaration
- § 21C:4 —*[Proposed]* order

**CHAPTER 21D. SAMPLE MOTION FOR
SEPARATE TRIAL OF SPECIAL
DEFENSES**

- § 21D:1 Sample motion for separate trial of special
defenses—Sample motion for separate trial of
special defenses
- § 21D:2 —Memorandum
- § 21D:3 —Declaration
- § 21D:4 —*[Proposed]* order

**CHAPTER 22. SAMPLE MOTION TO
STAY ACTION (PENDING CONTRACTUAL
ARBITRATION)**

- § 22:1 Sample motion to stay action (pending
contractual arbitration)—Notice of motion and
motion
- § 22:2 —Memorandum
- § 22:3 —Declaration
- § 22:4 —*[Proposed]* order

**CHAPTER 23. SAMPLE MOTION TO
STAY ACTION (ACTION PENDING IN
FOREIGN JURISDICTION)**

- § 23:1 Sample motion to stay action (action pending in
foreign jurisdiction)—Notice of Motion and
Motion
- § 23:2 —Memorandum
- § 23:3 —Declaration
- § 23:4 —*[Proposed]* order

**CHAPTER 24. SAMPLE MOTION TO
STAY ACTION (INCONVENIENT FORUM)**

- § 24:1 Sample motion to stay action (inconvenient
forum)—Notice of motion and motion
- § 24:2 —Memorandum

- § 24:3 —Declaration
- § 24:4 —*[Proposed]* order

CHAPTER 25. SAMPLE MOTION TO STAY ACTION (AS DISCOVERY SANCTION)

- § 25:1 Sample motion to stay action (as discovery sanction)—Notice of motion and motion
- § 25:2 —Memorandum
- § 25:3 —Declaration
- § 25:4 —*[Proposed]* order

CHAPTER 26. SAMPLE MOTION TO TRANSFER ACTION (TRANSFER AND CONSOLIDATION)

- § 26:1 Sample motion to transfer action (transfer and consolidation)—Notice of motion and motion
- § 26:2 —Memorandum
- § 26:3 —Declaration
- § 26:4 —*[Proposed]* order

CHAPTER 27. SAMPLE MOTION TO TRANSFER ACTION (FILED IN WRONG COURT)

- § 27:1 Sample motion to transfer action (filed in wrong court)—Notice of motion and motion
- § 27:2 —Memorandum
- § 27:3 —Declaration
- § 27:4 —*[Proposed]* order

CHAPTER 28. *[Reserved]*

CHAPTER 29. SAMPLE MOTION TO TRANSFER ACTION (CONVENIENCE OF WITNESSES/ENDS OF JUSTICE)

- § 29:1 Sample motion to transfer action (convenience of witnesses/ends of justice)—Notice of motion and motion
- § 29:2 —Memorandum
- § 29:3 —Declaration
- § 29:4 —*[Proposed]* order

TABLE OF CONTENTS

**CHAPTER 29A. SAMPLE MOTION TO
TRANSFER—DISSOLUTION OF
MARRIAGE**

- § 29A:1 Sample motion to transfer—Dissolution of
marriage—Sample motion to transfer action
- § 29A:2 — —Memorandum
- § 29A:3 — —Declaration
- § 29A:4 — —[Proposed] order

**CHAPTER 29B. SAMPLE MOTION FOR
RECLASSIFICATION OF ACTION**

- § 29B:1 Sample motion for reclassification of Action—
Notice of motion and motion
- § 29B:2 Sample motion for reclassification of action—
Memorandum
- § 29B:3 —Declaration
- § 29B:4 —*[Proposed]* order

**CHAPTER 29C. SAMPLE MOTION TO
RECLASSIFY—UNLIMITED TO LIMITED,
WITHIN TIME TO AMEND INITIAL
PLEADING**

- § 29C:1 Sample motion to reclassify—Unlimited to
limited, within time to amend initial
pleading—Sample motion for reclassification of
action from limited to unlimited
- § 29C:2 — —Memorandum
- § 29C:3 — —Declaration
- § 29C:4 — —[Proposed] order

**CHAPTER 29D. SAMPLE MOTION TO
RECLASSIFY—LIMITED TO UNLIMITED,
WITHIN TIME FOR AMENDMENT OF
INITIAL PLEADING/RESPONSE TO
INITIAL PLEADING**

- § 29D:1 Sample motion to reclassify—Limited to
unlimited, within time for amendment of
initial pleading/response to initial pleading—
Sample motion for reclassification of action
from unlimited to limited
- § 29D:2 — —Memorandum
- § 29D:3 — —Declaration
- § 29D:4 — —[Proposed] order

CHAPTER 30. SAMPLE MOTION TO EXEMPT ACTION FROM CASE DISPOSITION TIME GOALS

- § 30:1 Sample motion to exempt action from case disposition time goals—Notice of motion and motion
- § 30:2 —Memorandum
- § 30:3 —Declaration
- § 30:4 —*[Proposed]* order

CHAPTER 31. SAMPLE MOTION TO CONTINUE TRIAL [OR HEARING]

- § 31:1 Sample motion to continue trial [or hearing]—Notice of motion and motion
- § 31:2 —Memorandum
- § 31:3 —Declaration
- § 31:4 —*[Proposed]* order

CHAPTER 32. SAMPLE MOTION TO CONTINUE TRIAL (ABSENCE OF EVIDENCE OR WITNESS)

- § 32:1 Sample motion to continue trial (absence of evidence or witness)—Notice of motion and motion
- § 32:2 —Memorandum
- § 32:3 —Declaration
- § 32:4 —*[Proposed]* order

CHAPTER 33. SAMPLE MOTION TO CONTINUE TRIAL (AMENDMENT OF PLEADINGS)

- § 33:1 Sample motion to continue trial (amendment of pleadings)—Notice of motion and motion
- § 33:2 —Memorandum
- § 33:3 —Declaration
- § 33:4 —*[Proposed]* order

CHAPTER 34. SAMPLE EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

- § 34:1 Sample ex parte application for temporary restraining order and order to show cause re preliminary injunction—Ex parte application

TABLE OF CONTENTS

§ 34:2 —Memorandum

§ 34:3 —Declaration

**CHAPTER 35. SAMPLE TEMPORARY
RESTRAINING ORDER**

§ 35:1 *[Proposed]* temporary restraining order

**CHAPTER 36. SAMPLE ORDER TO
SHOW CAUSE RE PRELIMINARY
INJUNCTION**

§ 36:1 Sample order to show cause re preliminary
injunction

**CHAPTER 37. SAMPLE PRELIMINARY
INJUNCTION**

§ 37:1 Sample preliminary injunction

**CHAPTER 38. SAMPLE APPLICATION
TO APPEAR AS ATTORNEY PRO HAC
VICE**

§ 38:1 Sample application to appear as attorney pro hac
vice—Notice of hearing on application

§ 38:2 —Application

§ 38:3 —*[Proposed]* order

**CHAPTER 39. SAMPLE PETITION FOR
RELIEF FROM GOVERNMENT CLAIM
FILING REQUIREMENTS**

§ 39:1 Sample petition for relief from government claim
filing requirements—Notice of hearing on
petition

§ 39:2 —Petition

§ 39:3 —Memorandum

§ 39:4 —Declaration

§ 39:5 —*[Proposed]* order

**CHAPTER 39A. SAMPLE PETITION FOR
RELIEF FROM GOVERNMENT CLAIM
FILING REQUIREMENTS (MISTAKE/
INADVERTENCE)**

§ 39A:1 Sample petition for relief from government
claim filing requirements
(mistake/inadvertence)—Notice of hearing on
petition

- § 39A:2 —Petition
- § 39A:3 —Memorandum
- § 39A:4 —Declaration
- § 39A:5 —*[Proposed]* order

CHAPTER 39B. SAMPLE RELIEF FROM GOVERNMENT CLAIMS FILING STATUTES—MINORITY

- § 39B:1 Sample petition for relief from government
claim filing requirements on basis of
minority—Notice of hearing
- § 39B:2 —Petition
- § 39B:3 —Memorandum
- § 39B:4 —Declaration
- § 39B:5 —*[Proposed]* order

CHAPTER 40. SAMPLE MOTION TO SEAL COURT RECORDS

- § 40:1 Sample motion to seal court records—Notice of
motion and motion
- § 40:2 —Memorandum
- § 40:3 —Declaration
- § 40:4 —*[Proposed]* order

CHAPTER 40A. MOTION TO UNSEAL RECORDS

- § 40A:1 Motion to unseal records—Sample notice of
motion and motion
- § 40A:2 —Memorandum
- § 40A:3 —Declaration
- § 40A:4 —*[Proposed]* order

CHAPTER 40B. SAMPLE NOTICE OF REMOVAL

- § 40B:1 Sample notice of removal—Diversity jurisdiction
- § 40B:2 —Federal question jurisdiction

PART III. SUMMONS AND PLEADING MOTIONS

CHAPTER 41. APPLICATION FOR SERVICE BY PUBLICATION

- § 41:1 Application for service by publication

TABLE OF CONTENTS

**CHAPTER 42. SAMPLE MOTION TO
QUASH SERVICE OF SUMMONS
(UNTIMELY SERVICE)**

- § 42:1 Sample motion to quash service of summons
(untimely service)—Notice of motion and motion
- § 42:2 —Memorandum
- § 42:3 —Declaration
- § 42:4 —*[Proposed]* order

**CHAPTER 43. SAMPLE MOTION TO
QUASH SERVICE OF SUMMONS
(DEFECTIVE SERVICE)**

- § 43:1 Sample motion to quash service of summons
(defective service)—Notice of motion and motion
- § 43:2 —Memorandum
- § 43:3 —Declaration
- § 43:4 —*[Proposed]* order

**CHAPTER 44. SAMPLE MOTION TO
QUASH SERVICE OF SUMMONS
(DEFECTIVE NOTICE TO CORPORATION
OR ASSOCIATION)**

- § 44:1 Sample motion to quash service of summons
(defective notice to corporation or association)—
Notice of motion and motion
- § 44:2 —Memorandum
- § 44:3 —Declaration
- § 44:4 —*[Proposed]* order

**CHAPTER 45. SAMPLE MOTION TO
QUASH SERVICE OF SUMMONS (LACK
OF JURISDICTION OVER NON-
RESIDENT)**

- § 45:1 Sample motion to quash service of summons (lack
of jurisdiction over non-resident)—Notice of
motion and motion
- § 45:2 —Memorandum
- § 45:3 —Declaration
- § 45:4 —*[Proposed]* order

**CHAPTER 46. SAMPLE MOTION TO
AMEND COMPLAINT/PLEADING
(CORRECTION OF ERROR)**

- § 46:1 Sample motion to amend complaint/pleading

(correction of error)—Notice of motion and motion

§ 46:2 —Memorandum

§ 46:3 —Declaration

§ 46:4 —*[Proposed]* order

CHAPTER 46A. MOTION TO FILE LATE ANSWER

§ 46A:1 Sample motion to file late answer—Notice of motion and motion

§ 46A:2 —Memorandum

§ 46A:3 —Declaration

§ 46A:4 —*[Proposed]* order

CHAPTER 46B. SAMPLE MOTION FOR ENLARGEMENT OF TIME TO DEMUR

§ 46B:1 Sample motion for enlargement of time to demur—Sample motion to enlarge time for demurrer

§ 46B:2 —Memorandum

§ 46B:3 —Declaration

§ 46B:4 —*[Proposed]* order

CHAPTER 46C. MOTION TO FILE CROSS COMPLAINT

§ 46C:1 Sample motion to file cross complaint—Notice of motion and motion

§ 46C:2 —Memorandum

§ 46C:3 —Declaration

§ 46C:4 —*[Proposed]* order

CHAPTER 47. SAMPLE MOTION TO AMEND COMPLAINT (ADD PUNITIVES AGAINST HEALTHCARE PROVIDER, ETC.)

§ 47:1 Sample motion to amend complaint (add punitives against healthcare provider, etc.)—Notice of motion and motion

§ 47:2 —Memorandum

§ 47:3 —Declaration

§ 47:4 —*[Proposed]* order

CHAPTER 47A. MOTION FOR LEAVE TO FILE AMENDED COMPLAINT TO ADD PAGA PLAINTIFF

§ 47A:1 Motion for Leave to File Amended Complaint to Add PAGA Plaintiff

TABLE OF CONTENTS

CHAPTER 47B. SAMPLE MOTION FOR ORDER GRANTING LEAVE TO AMEND COMPLAINT TO ADD FICTITIOUSLY NAMED PARTY

- § 47B:1 Sample Motion for Order Granting Leave to Amend Complaint to Add Fictitiously Named Party—Notice of Motion and Motion
- § 47B:2 Sample Motion for Order Granting Leave to Amend Complaint to Add Fictitiously Named Party—Memorandum
- § 47B:3 Sample Motion for Order Granting Leave to Amend Complaint to Add Fictitiously Named Party—Declaration
- § 47B:4 —[Proposed] Order

CHAPTER 47C. SAMPLE MOTION FOR ORDER GRANTING LEAVE TO AMEND ANSWER TO ALLEGE APPLICABLE SUBDIVISION FOR STATUTE OF LIMITATIONS AFFIRMATIVE DEFENSE

- § 47C:1 Sample motion for order granting leave to amend answer to allege applicable subdivision for statute of limitations affirmative defense—Notice of motion and motion
- § 47C:2 —Memorandum
- § 47C:3 —Declaration
- § 47C:4 Sample Motion for order granting leave to amend answer to allege applicable subdivision for statute of limitations affirmative defense—[Proposed] order

CHAPTER 48. SAMPLE MOTION TO FILE SUPPLEMENTAL PLEADING

- § 48:1 Sample motion to file supplemental pleading—Notice of motion and motion
- § 48:2 —Memorandum
- § 48:3 —Declaration
- § 48:4 —[Proposed] order

CHAPTER 48A. SAMPLE MOTION FOR LEAVE TO FILE SUPPLEMENTAL ANSWER

- § 48A:1 Sample motion for leave to file supplemental answer—Notice of motion and motion
- § 48A:2 —Memorandum

- § 48A:3 —Declaration
- § 48A:4 —*[Proposed]* order

CHAPTER 49. SAMPLE MOTION TO FILE INTERPLEADER OF FUNDS

- § 49:1 Sample motion to file interpleader of funds,
discharge of liability, and recovery of attorneys'
fees and costs—Notice of motion and motion
- § 49:2 —Memorandum
- § 49:3 —Declaration
- § 49:4 —*[Proposed]* order

CHAPTER 50. SAMPLE DEMURRER

- § 50:1 Sample demurrer—Notice of hearing on demurrer
and demurrer
- § 50:2 —Memorandum
- § 50:3 —Declaration
- § 50:4 —*[Proposed]* order

CHAPTER 50A. SAMPLE DEMURRER BASED ON FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

- § 50A:1 Sample demurrer based on failure to exhaust
administrative remedies—Notice of hearing on
demurrer and demurrer
- § 50A:2 —Memorandum
- § 50A:3 —Declaration
- § 50A:4 —*[Proposed]* order

CHAPTER 50B. DEMURRER BASED ON STATUTE OF LIMITATIONS

- § 50B:1 Demurrer based on statute of limitations

CHAPTER 50C. SAMPLE MOTION TO STRIKE DEMURRER

- § 50C:1 Sample Motion to Strike Demurrer—Notice of
motion and motion
- § 50C:2 —Memorandum
- § 50C:3 —Declaration
- § 50C:4 —*[Proposed]* order

CHAPTER 50D. SAMPLE MOTION TO AMEND PLEADINGS AFTER DEMURRER SUSTAINED

- § 50D:1 Sample motion to amend pleadings after

TABLE OF CONTENTS

- demurrer sustained—Notice of motion and motion
- § 50D:2 —Memorandum
- § 50D:3 —Declaration
- § 50D:4 —*[Proposed]* order

CHAPTER 51. SAMPLE MOTION TO STRIKE PLEADING OR PORTION OF PLEADING

- § 51:1 Sample motion to strike pleading or portion of pleading—Notice of motion and motion
- § 51:2 —Memorandum
- § 51:3 —Declaration
- § 51:4 —*[Proposed]* order

CHAPTER 51A. SAMPLE MOTION TO STRIKE FOR FAILURE TO COMPLY WITH LOCAL RULE

- § 51A:1 Sample motion to strike for failure to comply with local rule—Notice of motion and motion
- § 51A:2 —Memorandum
- § 51A:3 —Declaration
- § 51A:4 —*[Proposed]* order

CHAPTER 52. MOTION TO STRIKE ANSWER AND ENTER DEFENDANT'S DEFAULT

- § 52:1 Sample motion to strike answer and enter defendant's default—Notice of motion and motion
- § 52:2 —Memorandum
- § 52:3 —*[Proposed]* order

CHAPTER 52A. SAMPLE MOTION TO STRIKE PUNITIVE DAMAGES CLAIM

- § 52A:1 Sample Motion to Strike Punitive Damages Claim—Notice of motion and motion
- § 52A:2 Sample motion to strike punitive damages claim—Memorandum
- § 52A:3 —Declaration
- § 52A:4 —*[Proposed]* order

CHAPTER 53. SAMPLE MOTION FOR JUDGMENT ON THE PLEADINGS

- § 53:1 Sample motion for judgment on the pleadings—Notice of motion and motion

- § 53:2 —Memorandum
- § 53:3 —Declaration
- § 53:4 —*[Proposed]* order

CHAPTER 54. SAMPLE SPECIAL MOTION TO STRIKE (ANTI-SLAPP MOTION)

- § 54:1 Sample special motion to strike (anti-SLAPP
motion)—Notice of motion and motion
- § 54:2 —Memorandum
- § 54:3 —Declaration
- § 54:4 —*[Proposed]* order

CHAPTER 54A. SAMPLE MOTION TO CONDUCT SPECIFIC DISCOVERY AFTER ANTI-SLAPP

- § 54A:1 Sample motion to conduct specific discovery
after Anti-SLAPP—Notice of motion and
motion
- § 54A:2 —Memorandum
- § 54A:3 —Declaration
- § 54A:4 —*[Proposed]* order

Table of Contents

PART IV. DISCOVERY MOTIONS

CHAPTER 55. SAMPLE MOTION FOR ADDITIONAL DISCOVERY (LIMITED—OR ALTERNATIVELY TO WITHDRAW CASE FROM ECONOMIC LITIGATION)

- § 55:1 Sample motion for additional discovery
(limited—or alternatively to withdraw case from
economic litigation)—Notice of motion and
motion
- § 55:2 —Memorandum
- § 55:3 —Declaration
- § 55:4 —*[Proposed]* order

CHAPTER 55A. MOTION FOR LEAVE TO PROPOUND ADDITIONAL SUPPLEMENTAL DISCOVERY

- § 55A:1 Sample motion for leave to propound additional
supplemental discovery—Notice of motion and
motion
- § 55A:2 —Memorandum
- § 55A:3 —Declaration
- § 55A:4 —*[Proposed]* order

CHAPTER 55B. MOTION NOT TO SERVE COPY OF INTERROGATORIES ON OTHER PARTIES

- § 55B:1 Motion Not to Serve Copy of Interrogatories on
Other Parties

CHAPTER 56. SAMPLE MOTION TO CONDUCT DISCOVERY PRIOR TO COMMENCEMENT OF ACTION

- § 56:1 Sample motion to conduct discovery prior to
commencement of action—Notice of motion and
motion
- § 56:2 —Petition

- § 56:3 —Memorandum
- § 56:4 —*[Proposed]* order

CHAPTER 56A. SAMPLE MOTION TO CHANGE SEQUENCE AND/OR TIMING OF DISCOVERY

- § 56A:1 Sample motion to change sequence and/or timing of discovery—Notice of motion
- § 56A:2 —Memorandum
- § 56A:3 —Declaration
- § 56A:4 —*[Proposed]* order

CHAPTER 56B. SAMPLE MOTION TO SHORTEN OR EXTEND TIME FOR SCHEDULING DEPOSITION

- § 56B:1 Sample motion to shorten or extend time for scheduling deposition—Notice of motion and motion
- § 56B:2 —Memorandum
- § 56B:3 —Declaration
- § 56B:4 —*[Proposed]* order

CHAPTER 56C. MOTION TO PROPOUND DISCOVERY AT EARLIER TIME

- § 56C:1 Motion to Propound Discovery at Earlier Time

CHAPTER 57. SAMPLE MOTION FOR PROTECTIVE ORDER (GENERAL FORM)

- § 57:1 Sample motion for protective order (general form)—Notice of motion and motion
- § 57:2 —Memorandum
- § 57:3 —Declaration
- § 57:4 —*[Proposed]* order

CHAPTER 57A. SAMPLE MOTION FOR PROTECTIVE ORDER RE PRODUCTION OF ELECTRONICALLY STORED INFORMATION

- § 57A:1 Sample motion for protective order re production of electronically stored information—Notice of motion
- § 57A:2 —Memorandum
- § 57A:3 —Declaration
- § 57A:4 —*[Proposed]* protective order

TABLE OF CONTENTS

CHAPTER 57B. SAMPLE MOTION FOR PROTECTIVE ORDER RE PRODUCTION OF ELECTRONICALLY STORED INFORMATION AT DEPOSITION

- § 57B:1 Sample motion for protective order re production of electronically stored information at deposition—Notice of motion and motion
- § 57B:2 —Memorandum
- § 57B:3 —Declaration
- § 57B:4 —*[Proposed]* order

CHAPTER 57C. SAMPLE TO SET CONDITIONS ON PRODUCTION OF ELECTRONICALLY STORED INFORMATION

- § 57C:1 Sample to set conditions on production of electronically stored information—Notice of motion and motion
- § 57C:2 —Memorandum
- § 57C:3 —Declaration
- § 57C:4 —*[Proposed]* order

CHAPTER 57D. SAMPLE MOTION BY RESPONDING PARTY RE COST SHIFTING PRODUCTION OF ELECTRONICALLY STORED INFORMATION

- § 57D:1 Sample motion by responding party re cost shifting production of electronically stored information—Notice of motion and motion
- § 57D:2 —Memorandum
- § 57D:3 —Declaration
- § 57D:4 —*[Proposed]* order

CHAPTER 57E. MOTION FOR PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION

- § 57E:1 Sample motion for protective order regarding confidential information—Notice of motion and motion
- § 57E:2 —Memorandum
- § 57E:3 —Declaration
- § 57E:4 —*[Proposed]* order

CHAPTER 57F. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING INTERROGATORIES

- § 57F:1 Sample motion for protective order regarding interrogatories—Notice of motion and motion
- § 57F:2 —Memorandum
- § 57F:3 —Declaration
- § 57F:4 —[Proposed] protective order

CHAPTER 57G. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING PRODUCTION OR INSPECTION OF DOCUMENTS

- § 57G:1 Sample motion for protective order regarding production or inspection of documents—Notice of motion and motion
- § 57G:2 —Memorandum
- § 57G:3 —Declaration
- § 57G:4 —[Proposed] protective order

CHAPTER 57H. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING REQUESTS FOR ADMISSION

- § 57H:1 Sample motion for protective order regarding requests for admission—Notice of motion and motion
- § 57H:2 —Memorandum
- § 57H:3 —Declaration
- § 57H:4 —[Proposed] protective order

CHAPTER 57I. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING DISCOVERY OF MEDICAL HISTORY

- § 57I:1 Sample motion for protective order regarding discovery of medical history—Notice of motion and motion
- § 57I:2 —Memorandum
- § 57I:3 —Declaration
- § 57I:4 —*[Proposed]* protective order

CHAPTER 57J. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING INADVERTENTLY DISCLOSED PRIVILEGED MATERIALS

- § 57J:1 Sample motion for protective order regarding

TABLE OF CONTENTS

- inadvertently disclosed privileged materials—
Notice of motion and motion
- § 57J:2 —Memorandum
- § 57J:3 —Declaration
- § 57J:4 —*[Proposed]* protective order

**CHAPTER 57K. SAMPLE MOTION FOR
PROTECTIVE ORDER REGARDING
DISCOVERY OF ATTORNEY WORK
PRODUCT**

- § 57K:1 Sample motion for protective order regarding
discovery of attorney work product—Notice of
motion and motion
- § 57K:2 —Memorandum
- § 57K:3 —Declaration
- § 57K:4 —*[Proposed]* protective order

**CHAPTER 58. MOTION FOR RELIEF
FROM WAIVER OF OBJECTIONS**

- § 58:1 Sample motion for relief from waiver of objections
(general form)—Notice of motion and motion
- § 58:2 —Memorandum
- § 58:3 —Declaration
- § 58:4 —*[Proposed]* order

**CHAPTER 59. SAMPLE MOTION TO
EXTEND TIME TO COMPLETE
DISCOVERY AND HAVE DISCOVERY
MOTIONS HEARD (AND/OR TO REOPEN
DISCOVERY AFTER NEW TRIAL DATE)**

- § 59:1 Sample motion to extend time to complete
discovery and have discovery motions heard
(and/or to reopen discovery after new trial
date)—Notice of motion and motion
- § 59:2 —Memorandum
- § 59:3 —Declaration
- § 59:4 —*[Proposed]* order

**CHAPTER 60. SAMPLE MOTION TO
EXTEND TIME TO COMPLETE
DISCOVERY PRIOR TO ARBITRATION
(OR TO REOPEN DISCOVERY AFTER
ARBITRATION AWARD)**

- § 60:1 Sample motion to extend time to complete

discovery prior to arbitration (or to reopen
discovery after arbitration award)—Notice of
motion and motion

§ 60:2 —Memorandum

§ 60:3 —Declaration

§ 60:4 —*[Proposed]* order

CHAPTER 61. SAMPLE MOTION FOR PROTECTIVE ORDER (LIMITING DISCOVERY OF DEFENDANT'S PROFITS AND FINANCIAL STATUS)

§ 61:1 Sample motion for protective order (limiting
discovery of defendant's profits and financial
status)—Notice of motion and motion

§ 61:2 —Memorandum

§ 61:3 —Declaration

§ 61:4 —*[Proposed]* protective order

CHAPTER 62. SAMPLE MOTION TO STAY DEPOSITION AND QUASH DEPOSITION NOTICE

§ 62:1 Sample motion to stay deposition and quash
deposition notice—Notice of motion and motion

§ 62:2 —Memorandum

§ 62:3 —Declaration

§ 62:4 —Separate statement

§ 62:5 —*[Proposed]* order

CHAPTER 62A. SAMPLE OBJECTION TO OR MOTION TO QUASH SUBPOENA FOR RECORDS RELATING TO ALCOHOL OR DRUG TREATMENT BY NON-PARTY WITNESS

§ 62A:1 Sample objection to or motion to quash
subpoena for records relating to alcohol or
drug treatment by non-party witness—Notice

§ 62A:2 Sample Objection to or Motion to Quash
Subpoena for Records Relating to Alcohol or
Drug Treatment by Non-Party Witness—
Memorandum

§ 62A:3 —Declaration

§ 62A:4 —*[Proposed]* Order

TABLE OF CONTENTS

**CHAPTER 62B. MOTION FOR ORDER
APPOINTING REFEREE FOR
DISCOVERY**

- § 62B:1 Sample motion for order appointing referee for
discovery—Notice of motion and motion
- § 62B:2 —Memorandum
- § 62B:3 —Declaration
- § 62B:4 —*[Proposed]* Order

**CHAPTER 63. SAMPLE MOTION TO
COMPEL ATTENDANCE AND
PRODUCTION OF DOCUMENTS AT
DEPOSITION**

- § 63:1 Sample motion to compel attendance and
production of documents at deposition—Notice of
motion and motion
- § 63:2 —Memorandum
- § 63:3 —Declaration
- § 63:4 —Separate statement
- § 63:5 —*[Proposed]* order

**CHAPTER 63A. SAMPLE MOTION FOR
SANCTIONS FOR FAILURE OF
DEPONENT TO ATTEND DEPOSITION**

- § 63A:1 Sample motion for sanctions for failure of
deponent to attend deposition—Notice of
motion and motion
- § 63A:2 —Memorandum
- § 63A:3 —Declaration
- § 63A:4 —*[Proposed]* order

**CHAPTER 63B. MOTION FOR
SANCTIONS AGAINST NOTICING PARTY
FOR FAILURE TO ATTEND DEPO**

- § 63B:1 Motion for Sanctions Against Noticing Party for
Failure to Attend Depo

**CHAPTER 64. SAMPLE MOTION TO
COMPEL COMPLIANCE WITH
DEPOSITION SUBPOENA**

- § 64:1 Sample motion to compel compliance with
deposition subpoena—Notice of motion and
motion
- § 64:2 —Memorandum

- § 64:3 —Declaration
- § 64:4 —Separate statement
- § 64:5 —*[Proposed]* order

CHAPTER 64A. SAMPLE MOTION TO COMPEL COMPLIANCE WITH DEPOSITION SUBPOENA DEMANDING ELECTRONICALLY STORED INFORMATION

- § 64A:1 Sample motion to compel compliance with deposition subpoena demanding electronically stored information—Notice of motion and motion
- § 64A:2 —Memorandum
- § 64A:3 —Declaration
- § 64A:4 —Separate statement of issue regarding refusal to answer questions at deposition
- § 64A:5 —*[Proposed]* order

CHAPTER 65. SAMPLE MOTION TO COMPEL ANSWERS AND PRODUCTION OF DOCUMENTS AT DEPOSITION

- § 65:1 Sample motion to compel answers and production of documents at deposition—Notice of motion and motion
- § 65:2 —Memorandum
- § 65:3 —Declaration
- § 65:4 —Separate statement
- § 65:5 —*[Proposed]* order

CHAPTER 65A. SAMPLE MOTION TO COMPEL PRODUCTION OF ELECTRONICALLY STORED INFORMATION

- § 65A:1 Sample motion to compel production of electronically stored information—Notice of motion and motion
- § 65A:2 —Memorandum
- § 65A:3 —Declaration
- § 65A:4 —Separate statement of issues regarding motion
- § 65A:5 —*[Proposed]* order

TABLE OF CONTENTS

CHAPTER 66. SAMPLE MOTION TO INCREASE TRAVEL LIMITS FOR DEPOSITION

- § 66:1 Sample motion to increase travel limits for deposition—Notice of motion and motion
- § 66:2 —Memorandum
- § 66:3 —Declaration
- § 66:4 —*[Proposed]* order

CHAPTER 66A. SAMPLE MOTION TO TAKE SUBSEQUENT DEPOSITION

- § 66A:1 Sample motion to take subsequent deposition—Notice of motion and motion
- § 66A:2 —Memorandum
- § 66A:3 —Declaration
- § 66A:4 —*[Proposed]* order

CHAPTER 66B. SAMPLE MOTION TO INCREASE TIME LIMIT FOR DEPOSITION

- § 66B:1 Sample motion to increase time limit for deposition—Notice of motion and motion
- § 66B:2 Sample motion to increase time limit for deposition—Memorandum
- § 66B:3 —Declaration
- § 66B:4 —*[Proposed]* order

CHAPTER 67. SAMPLE MOTION TO QUASH OR MODIFY DEPOSITION SUBPOENA FOR CONSUMER OR EMPLOYEE RECORDS

- § 67:1 Sample motion to quash or modify deposition subpoena for consumer or employee records—Notice of motion and motion
- § 67:2 —Memorandum
- § 67:3 —Declaration
- § 67:4 —Separate statement
- § 67:5 —*[Proposed]* order

CHAPTER 67A. SAMPLE MOTION TO EXTEND TIME IN WHICH TO RESPOND TO DISCOVERY (GENERAL FORM)

- § 67A:1 Sample motion to extend time in which to respond to discovery (general form)—Notice of motion and motion

- § 67A:2 —Memorandum
- § 67A:3 —Declaration
- § 67A:4 —[Proposed] order

CHAPTER 68. SAMPLE MOTION TO COMPEL ANSWERS TO INTERROGATORIES

- § 68:1 Sample motion to compel answers to interrogatories—Notice of motion and motion
- § 68:2 —Memorandum
- § 68:3 —Declaration
- § 68:4 —[*Proposed*] order

CHAPTER 68A. MOTION TO DEEM INITIAL ANSWER TO INTERROGATORIES BINDING

- § 68A:1 Motion to Deem Initial Answer to Interrogatories Binding

CHAPTER 69. SAMPLE MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES

- § 69:1 Sample motion to compel further responses to interrogatories—Notice of motion and motion
- § 69:2 —Memorandum
- § 69:3 —Declaration
- § 69:4 —Separate statement
- § 69:5 —[*Proposed*] order

CHAPTER 69A. SAMPLE MOTION FOR AN EXTENSION OF TIME TO RESPOND TO INTERROGATORIES

- § 69A:1 Sample motion for an extension of time to respond to interrogatories—Notice of motion and motion
- § 69A:2 —Memorandum
- § 69A:3 —Declaration
- § 69A:4 —[Proposed] order

CHAPTER 69B. SAMPLE RELIEF FROM WAIVER OF OBJECTIONS TO INTERROGATORIES

- § 69B:1 Sample relief from waiver of objections to interrogatories—Sample motion for relief from waiver of objections to interrogatories

TABLE OF CONTENTS

- § 69B:2 —Memorandum
- § 69B:3 —Declaration
- § 69B:4 —[Proposed] order

**CHAPTER 69C. MOTION FOR
SANCTIONS—UNSUCCESSFUL MOTION
TO COMPEL INTERROGATORIES**

- § 69C:1 Motion for Sanctions—Unsuccessful Motion to
Compel Interrogatories

**CHAPTER 70. SAMPLE MOTION TO
COMPEL RESPONSES TO INSPECTION
DEMANDS**

- § 70:1 Sample motion to compel responses to inspection
demands—Notice of motion and motion
- § 70:2 —Memorandum
- § 70:3 —Declaration
- § 70:4 —[Proposed] order

**CHAPTER 70A. SAMPLE MOTION TO
COMPEL ELECTRONICALLY STORED
INFORMATION**

- § 70A:1 Sample Motion to Compel Electronically Stored
Information—Notice of Motion and Motion
- § 70A:2 Sample motion to compel electronically stored
information—Memorandum
- § 70A:3 —Declaration
- § 70A:4 —[Proposed] order
- § 70A:5 —Separate statement

**CHAPTER 71. SAMPLE MOTION TO
COMPEL FURTHER RESPONSES TO
INSPECTION DEMANDS**

- § 71:1 Sample motion to compel further responses to
inspection demands—Notice of motion and
motion
- § 71:2 —Memorandum
- § 71:3 —Declaration
- § 71:4 —Separate statement
- § 71:5 —[Proposed] order

**CHAPTER 72. SAMPLE MOTION TO
COMPEL COMPLIANCE WITH
INSPECTION DEMANDS**

- § 72:1 Sample motion to compel compliance with

inspection demands—Notice of motion and
motion

§ 72:2 —Memorandum

§ 72:3 —Declaration

§ 72:4 —[*Proposed*] order

CHAPTER 72A. SAMPLE MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEMAND FOR INSPECTION AND PRODUCTION OF DOCUMENTS

§ 72A:1 Sample motion for an extension of time to
respond to demand for inspection and
production of documents—Notice of motion and
motion

§ 72A:2 —Memorandum

§ 72A:3 —Declaration

§ 72A:4 —[Proposed] order

CHAPTER 72B. RELIEF FROM WAIVER OF OBJECTIONS TO REQUESTS FOR PRODUCTION

§ 72B:1 Relief from Waiver of Objections to
RFP's Requests for Production

CHAPTER 72C. SAMPLE MOTION TO COMPEL RESPONSES TO SUPPLEMENTAL INSPECTION DEMANDS

§ 72C:1 Sample motion to compel responses to
supplemental inspection demands—Notice of
motion

§ 72C:2 —Memorandum

§ 72C:3 —Declaration

§ 72C:4 —[Proposed] order

CHAPTER 73. SAMPLE MOTION TO DEEM MATTERS ADMITTED/ GENUINENESS OF DOCUMENTS

§ 73:1 Sample motion to deem matters admitted/
genuineness of documents—Notice of motion and
motion

§ 73:2 —Memorandum

§ 73:3 —Declaration

§ 73:4 —[*Proposed*] order

TABLE OF CONTENTS

CHAPTER 74. SAMPLE MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSIONS

- § 74:1 Motion to compel further responses to requests for admissions—Notice of motion and motion
- § 74:2 —Memorandum
- § 74:3 —Declaration
- § 74:4 —Separate statement
- § 74:5 —*[Proposed]* Order

CHAPTER 75. SAMPLE MOTION TO WITHDRAW OR AMEND ADMISSIONS

- § 75:1 Sample motion to withdraw or amend admissions—Notice of motion and motion
- § 75:2 —Memorandum
- § 75:3 —Declaration
- § 75:4 —*[Proposed]* order

CHAPTER 75A. SAMPLE MOTION FOR AN EXTENSION OF TIME TO RESPOND TO REQUESTS FOR ADMISSION

- § 75A:1 Sample motion for an extension of time to respond to requests for admission—Notice of motion and motion
- § 75A:2 —Memorandum
- § 75A:3 —Declaration
- § 75A:4 —*[Proposed]* order

CHAPTER 76. SAMPLE MOTION TO COMPEL COMPLIANCE WITH DEMAND FOR PHYSICAL EXAMINATION

- § 76:1 Sample motion to compel compliance with demand for physical examination—Notice of motion and motion
- § 76:2 —Memorandum
- § 76:3 —Declaration
- § 76:4 —Separate statement
- § 76:5 —*[Proposed]* order

CHAPTER 76A. SAMPLE MOTION FOR SANCTIONS FOR UNSUCCESSFUL MOTION TO COMPEL (PHYSICAL EXAMINATION/MEDICAL REPORTS)

- § 76A:1 Sample motion for sanctions for unsuccessful

- motion to compel (physical examination/
medical reports)—Notice of motion and motion
- § 76A:2 —Memorandum
- § 76A:3 —Declaration
- § 76A:4 —*[Proposed]* order

CHAPTER 76B. SAMPLE MOTION FOR RELIEF FROM WAIVER OF OBJECTIONS FOR LATE RESPONSE TO DEMAND FOR PHYSICAL EXAMINATION

- § 76B:1 Sample motion for relief from waiver of
objections for late response to demand for
physical examination—Notice of motion and
motion
- § 76B:2 —Memorandum
- § 76B:3 —Declaration
- § 76B:4 —*[Proposed]* order

CHAPTER 76C. SAMPLE MOTION FOR PROTECTIVE ORDER RE PHYSICAL EXAMINATION

- § 76C:1 Sample motion for protective order re physical
examination—Notice of motion
- § 76C:2 —Memorandum
- § 76C:3 —Declaration
- § 76C:4 —declaration in support of monetary sanctions
- § 76C:5 —*[Proposed]* protective order

CHAPTER 77. SAMPLE MOTION FOR LEAVE TO CONDUCT PHYSICAL/ MENTAL EXAMINATION

- § 77:1 Sample motion for leave to conduct physical/
mental examination—Notice of motion and
motion
- § 77:2 —Memorandum
- § 77:3 —Declaration
- § 77:4 —Separate statement
- § 77:5 —*[Proposed]* order

CHAPTER 77A. SAMPLE MOTION FOR SANCTIONS FOR SPOILIATION OF EVIDENCE

- § 77A:1 Sample motion for sanctions for spoliation of
evidence—Notice of motion and motion
- § 77A:2 —Memorandum

TABLE OF CONTENTS

- § 77A:3 —Declaration
- § 77A:4 —Separate statement
- § 77A:5 —*[Proposed]* order

CHAPTER 77B. SAMPLE SANCTIONS RE INTENTIONAL SPOILIATION OF ELECTRONICALLY STORED INFORMATION

- § 77B:1 Sample Sanctions re Intentional Spoliation of Electronically Stored Information—Notice of motion and motion
- § 77B:2 —Memorandum
- § 77B:3 Sample sanctions re intentional spoliation of electronically stored information—Declaration
- § 77B:4 —Separate statement of issues in dispute
- § 77B:5 —*[Proposed]* order

CHAPTER 77C. MOTION FOR ORDER COMPELLING DELIVERY OF MEDICAL REPORTS

- § 77C:1 Sample motion order compelling delivery of medical reports—Notice of motion and motion
- § 77C:2 —Memorandum
- § 77C:3 —Declaration
- § 77C:4 —*[Proposed]* Order

CHAPTER 77D. MOTION FOR PRETRIAL DISCOVERY OF DEFENDANT'S PROFITS AND FINANCIAL CONDITION

- § 77D:1 Sample motion for pretrial discovery of defendant's profits and financial condition—Notice of motion and motion
- § 77D:2 —Memorandum
- § 77D:3 —Declaration
- § 77D:4 —*[Proposed]* order

CHAPTER 77E. SAMPLE MOTION FOR ORDER ENFORCING STIPULATION

- § 77E:1 Sample motion for order enforcing stipulation—Notice of motion and motion
- § 77E:2 —Memorandum
- § 77E:3 —Declaration
- § 77E:4 Sample motion for enforcing stipulation—*[Proposed]* order

CHAPTER 77F. MOTION TO REOPEN DISCOVERY AFTER CONTINUANCE

§ 77F:1 Motion to Reopen Discovery after Continuance

PART V. EXPERT WITNESS MOTIONS

CHAPTER 78. SAMPLE MOTION TO AUGMENT EXPERT WITNESS INFORMATION

§ 78:1 Sample motion to augment expert witness
information—Notice of motion and motion

§ 78:2 —Memorandum

§ 78:3 —Declaration

§ 78:4 —*[Proposed]* order

CHAPTER 78A. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING DEMAND FOR EXCHANGE OF EXPERT WITNESS INFORMATION

§ 78A:1 Sample motion for protective order regarding
demand for exchange of expert witness
information—Notice of motion and motion

§ 78A:2 —Memorandum

§ 78A:3 —Declaration

§ 78A:4 —*[Proposed]* protective order

CHAPTER 79. SAMPLE MOTION TO SUBMIT TARDY EXPERT WITNESS INFORMATION

§ 79:1 Sample motion to submit tardy expert witness
information—Notice of motion and motion

§ 79:2 —Memorandum

§ 79:3 —Declaration

§ 79:4 —*[Proposed]* order

CHAPTER 79A. SAMPLE MOTION TO EXCLUDE EXPERT WITNESS TESTIMONY DUE TO FAILURE TO LIST WITNESS AS EXPERT

§ 79A:1 Sample motion to exclude expert witness
testimony due to failure to list witness as
expert—Notice of motion and motion

TABLE OF CONTENTS

- § 79A:2 —Memorandum
- § 79A:3 —Declaration
- § 79A:4 —*[Proposed]* order

CHAPTER 79B. SAMPLE MOTION TO EXCLUDE EXPERT TESTIMONY—FAILURE TO PRODUCE REPORT AND WRITINGS

- § 79B:1 Sample motion to exclude expert testimony—
Failure to produce report and writings—
Sample motion to exclude expert witness
testimony due to failure to produce expert's
report
- § 79B:2 — —Memorandum
- § 79B:3 — —Declaration
- § 79B:4 — —*[Proposed]* order

CHAPTER 79C. SAMPLE MOTION TO SET EXPERT FEES

- § 79C:1 Sample motion to set expert fees—Notice of
motion
- § 79C:2 —Memorandum
- § 79C:3 —Declaration
- § 79C:4 —*[Proposed]* order

CHAPTER 79D. SAMPLE MOTION TO SET EXPERT FEES (DEPOSITION TESTIMONY)

- § 79D:1 Sample motion to set expert fees (deposition
testimony)—Notice of motion and motion
- § 79D:2 —Memorandum
- § 79D:3 —Declaration
- § 79D:4 —*[Proposed]* order

CHAPTER 79E. SAMPLE MOTION FOR COURT-APPOINTED EXPERT WITNESS

- § 79E:1 Sample motion for court-appointed expert
witness—Notice of motion and motion
- § 79E:2 —Memorandum
- § 79E:3 —Declaration
- § 79E:4 —*[Proposed]* order

CHAPTER 79F. SAMPLE MOTION FOR PROTECTIVE ORDER PERMITTING EXPERT WITNESS DEPOSITION AT LOCATION FURTHER THAN 75 MILES FROM COURTHOUSE

- § 79F:1 Sample motion for protective order permitting expert witness deposition at location further than 75 miles from courthouse—Notice of motion and motion
- § 79F:2 —Memorandum
- § 79F:3 —Declaration
- § 79F:4 —[Proposed] protective order

CHAPTER 79G. SAMPLE MOTION FOR ORDER COMPELLING PRODUCTION OF EXPERT'S REPORTS IN OTHER LIKE CASES

- § 79G:1 Sample motion for order compelling production of expert's reports in other like cases—Notice of motion and motion
- § 79G:2 —Memorandum
- § 79G:3 —Declaration
- § 79G:4 —[Proposed] order

PART VI. MOTION FOR SUMMARY JUDGMENT OR ADJUDICATION

CHAPTER 80. SAMPLE MOTION FOR SUMMARY JUDGMENT [OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION]

- § 80:1 Sample motion for summary judgment [or in the alternative, for summary adjudication]—Notice of motion and motion
- § 80:2 Sample motion for summary judgment *[or in the alternative, for summary adjudication]*—Memorandum
- § 80:3 —Declaration
- § 80:4 —Separate statement of undisputed material facts
- § 80:5 —*[Proposed]* order

TABLE OF CONTENTS

**CHAPTER 80A. SAMPLE MOTION FOR
SUMMARY JUDGMENT OR
ADJUDICATION BASED ON STATUTE OF
LIMITATIONS AFFIRMATIVE DEFENSE**

- § 80A:1 Sample motion for summary judgment or
adjudication based on statute of limitations
affirmative defense—Notice of motion and
motion
- § 80A:2 —Memorandum
- § 80A:3 —Declaration
- § 80A:4 —Separate statement of undisputed material
facts
- § 80A:5 —[Proposed] order

**CHAPTER 81. SAMPLE OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT**

- § 81:1 Sample opposition to motion for summary
judgment [or in the alternative, for summary
adjudication] based on request for continuance
to obtain additional essential evidence
- § 81:2 —Memorandum
- § 81:3 —Declaration
- § 81:4 —*[Proposed]* order

**CHAPTER 81A. EX PARTE
APPLICATION TO CONTINUE HEARING
ON MOTION FOR SUMMARY JUDGMENT**

- § 81A:1 Sample ex parte application to continue hearing
on motion for summary judgment—Notice of
motion and motion
- § 81A:2 —Memorandum
- § 81A:3 —Declaration
- § 81A:4 —*[Proposed]* Order

**PART VII. DISMISSAL AND
SETTLEMENT MOTIONS**

**CHAPTER 82. SAMPLE MOTION FOR
DETERMINATION OF GOOD FAITH
SETTLEMENT**

- § 82:1 Sample motion for determination of good faith
settlement—Notice of motion and motion
- § 82:2 —Memorandum
- § 82:3 —Declaration

§ 82:4 —[*Proposed*] order

CHAPTER 82A. MOTION FOR APPROVAL OF PAGA SETTLEMENT

§ 82A:1 Motion for Approval of PAGA Settlement

CHAPTER 83. SAMPLE MOTION TO ENFORCE SETTLEMENT

§ 83:1 Sample motion to enforce settlement—Notice of motion and motion

§ 83:2 —Memorandum

§ 83:3 —Declaration

§ 83:4 —[*Proposed*] order

CHAPTER 84. SAMPLE MOTION TO DISMISS ACTION FOR FAILURE TO PROSECUTE CASE WITHIN TIME PERIODS PRESCRIBED BY STATUTE

§ 84:1 Sample motion to dismiss action for failure to prosecute case within time periods prescribed by statute—Notice of motion and motion

§ 84:2 —Memorandum

§ 84:3 —Declaration

§ 84:4 —[*Proposed*] order

CHAPTER 85. SAMPLE MOTION TO DISMISS ACTION ON GROUND OF PLAINTIFF'S FAILURE TO SERVE SUMMONS WITHIN THREE YEARS

§ 85:1 Sample motion to dismiss action on ground of plaintiff's failure to serve summons within three years—Notice of motion and motion

§ 85:2 —Memorandum

§ 85:3 —Declaration

§ 85:4 —[*Proposed*] order

CHAPTER 86. SAMPLE MOTION TO DISMISS ACTION ON GROUND OF INCONVENIENT FORUM

§ 86:1 Sample motion to dismiss action on ground of inconvenient forum—Notice of motion and motion

§ 86:2 —Memorandum

§ 86:3 —Declaration

§ 86:4 —[*Proposed*] order

TABLE OF CONTENTS

**CHAPTER 87. SAMPLE MOTION TO
DISMISS FOR PLAINTIFF’S FAILURE TO
AMEND FOLLOWING [SUSTAINING OF
DEMURRER AND/OR GRANTING OF
MOTION TO STRIKE]**

- § 87:1 Sample motion to dismiss for plaintiff’s failure to
amend following [sustaining of demurrer and/or
granting of motion to strike]—Notice of motion
and motion
- § 87:2 —Memorandum
- § 87:3 —Declaration
- § 87:4 —*[Proposed]* order

**CHAPTER 88. SAMPLE MOTION TO
DISMISS ACTION FOR FAILURE TO
OBEY DISCOVERY ORDERS**

- § 88:1 Sample motion to dismiss action for failure to
obey discovery orders—Notice of motion and
motion
- § 88:2 —Memorandum
- § 88:3 —Declaration
- § 88:4 —*[Proposed]* order

**CHAPTER 89. SAMPLE MOTION TO
DISMISS ACTION FOR VIOLATION OF
LOCAL/STATE RULES OF COURT**

- § 89:1 Sample motion to dismiss action for violation of
local/state rules of court—Notice of motion and
motion
- § 89:2 —Memorandum
- § 89:3 —Declaration
- § 89:4 —*[Proposed]* order

**PART VIII. MOTIONS FOR COST
OR SANCTIONS**

**CHAPTER 90. SAMPLE MOTION FOR
SANCTIONS (CODE CIV. PROC. § 128.7)**

- § 90:1 Sample motion for sanctions (Code Civ. Proc.
§ 128.7)—Notice of motion and motion
- § 90:2 —Memorandum
- § 90:3 —Declaration
- § 90:4 —*[Proposed]* order

CHAPTER 90A. SAMPLE MOTION FOR ORDER SETTING ASIDE DISMISSAL [OR MAINTAINING CASE ON CIVIL ACTIVE STATUS] FOLLOWING A CONDITIONAL SETTLEMENT

- § 90A:1 Sample motion for order setting aside dismissal [or maintaining case on civil active status] following a conditional settlement—Notice of motion and motion
- § 90A:2 —Memorandum
- § 90A:3 —Declaration
- § 90A:4 —*[Proposed]* order

CHAPTER 90B. MOTION TO STRIKE AND/OR TAX COSTS

- § 90B:1 Sample motion to strike and/or tax costs—Notice of motion and motion
- § 90B:2 —Memorandum
- § 90B:3 —Declaration
- § 90B:4 —*[Proposed]* Order

CHAPTER 90C. MOTION FOR RELIEF FROM COSTS (TRIAL DE NOVO)

- § 90C:1 Sample motion for relief from costs (trial de novo)—Notice of motion and motion
- § 90C:2 —Memorandum
- § 90C:3 —Declaration
- § 90C:4 —*[Proposed]* Order

CHAPTER 90D. SAMPLE MOTION FOR SANCTIONS

- § 90D:1 Sample motion for sanctions—Notice of motion and motion
- § 90D:2 —Memorandum
- § 90D:3 Sample motion for Sanctions—Declaration
- § 90D:4 —*[Proposed]* order

CHAPTER 90E. SAMPLE MOTION FOR DEFENSE COSTS FOR BAD FAITH ACTIONS UNDER TORT CLAIMS ACT

- § 90E:1 Sample motion for defense costs for bad faith actions under tort claims act—Notice of motion and motion
- § 90E:2 —Memorandum
- § 90E:3 —Declaration

TABLE OF CONTENTS

§ 90E:4 —*[Proposed]* order

CHAPTER 90F. SAMPLE MOTION FOR ATTORNEY’S FEES BASED ON PRIVATE ATTORNEY GENERAL DOCTRINE

§ 90F:1 Sample motion for attorney’s fees based on private attorney general doctrine—Notice of motion and motion

§ 90F:2 —Memorandum

§ 90F:3 —Declaration

§ 90F:4 —*[Proposed]* order

CHAPTER 90G. SAMPLE MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH LOCAL RULE

§ 90G:1 Sample motion for sanctions for failure to comply with local rule—Notice of motion and motion

§ 90G:2 —Memorandum

§ 90G:3 —Declaration

§ 90G:4 —*[Proposed]* order

CHAPTER 91. SAMPLE MOTION FOR SANCTIONS (GENERAL DISCOVERY SANCTIONS)

§ 91:1 Sample motion for sanctions (general discovery sanctions)—Notice of motion and motion

§ 91:2 —Memorandum

§ 91:3 —Declaration

§ 91:4 —Separate statement (for issue or evidentiary sanctions)

§ 91:5 —*[Proposed]* order

CHAPTER 91A. SAMPLE MOTION FOR SANCTIONS (VIOLATION OF COURT ORDER)

§ 91A:1 Sample motion for sanctions (violation of court order)—Notice of motion

§ 91A:2 —Memorandum

§ 91A:3 —Declaration

§ 91A:4 —*[Proposed]* order

CHAPTER 91B. SAMPLE MOTION FOR ORDER FOR REIMBURSEMENT (REQUESTS FOR ADMISSIONS)

§ 91B:1 Sample motion for order for reimbursement

(requests for admissions)—Notice of motion
and motion

§ 91B:2 —Memorandum

§ 91B:3 —Declaration

§ 91B:4 —[Proposed] order

CHAPTER 91C. SAMPLE MOTION FOR SANCTIONS FOR FAILURE TO PROVIDE FURTHER RESPONSES TO INTERROGATORIES

§ 91C:1 Sample motion for sanctions for failure to
provide further responses to interrogatories—
Notice of motion and motion

§ 91C:2 —Memorandum

§ 91C:3 —Declaration

§ 91C:4 —Separate statement of issues

§ 91C:5 —[Proposed] order

PART IX. ARBITRATION MOTIONS

CHAPTER 92. SAMPLE PETITION TO COMPEL ARBITRATION

§ 92:1 Sample petition to compel arbitration—Notice of
hearing on petition

§ 92:2 —Petition

§ 92:3 —Memorandum

§ 92:4 —[*Proposed*] order

CHAPTER 92A. SAMPLE MOTION TO INTERVENE (PARTY TO ARBITRATION AGREEMENT)

§ 92A:1 Sample motion to intervene (party to arbitration
agreement)—Notice of motion and motion

§ 92A:2 —Memorandum

§ 92A:3 —Declaration

§ 92A:4 —[*Proposed*] order

CHAPTER 93. SAMPLE MOTION TO CONTINUE ARBITRATION

§ 93:1 Sample motion to continue arbitration—Notice of
motion and motion

§ 93:2 —Memorandum

§ 93:3 —Declaration

TABLE OF CONTENTS

§ 93:4 —*[Proposed]* order

**CHAPTER 93A. SAMPLE MOTION TO
CONTINUE ARBITRATION
(UNAVAILABILITY OF ESSENTIAL
WITNESS)—NOTICE OF MOTION AND
MOTION**

§ 93A:1 Sample motion to continue arbitration
(unavailability of essential witness)—Notice of
motion and motion

§ 93A:2 —Memorandum

§ 93A:3 —Declaration

§ 93A:4 —*[Proposed]* order

**CHAPTER 93B. MOTION TO CONTINUE
ARBITRATION: UNAVAILABILITY OF
COUNSEL**

§ 93B:1 Motion to Continue Arbitration: Unavailability
of Counsel

**CHAPTER 93C. MOTION TO CONTINUE
ARBITRATION—SUBSTITUTION OF
ATTORNEY**

§ 93C:1 Motion to continue arbitration—Substitution of
Attorney

**CHAPTER 94. SAMPLE PETITION TO
CONFIRM ARBITRATION AWARD**

§ 94:1 Sample petition to confirm arbitration award—
Notice of hearing on petition

§ 94:2 —Petition

§ 94:3 —Memorandum

§ 94:4 —*[Proposed]* order

**CHAPTER 95. SAMPLE PETITION TO
CORRECT ARBITRATION AWARD**

§ 95:1 Sample petition to correct arbitration award—
Notice of hearing on petition

§ 95:2 —Petition

§ 95:3 —Memorandum

§ 95:4 —*[Proposed]* order

CHAPTER 96. SAMPLE PETITION TO VACATE ARBITRATION AWARD

- § 96:1 Sample petition to vacate arbitration award—
Notice of hearing on petition
- § 96:2 —Petition
- § 96:3 —Memorandum
- § 96:4 —*[Proposed]* order

CHAPTER 96A. SAMPLE MOTION FOR VACATING ARBITRATION AWARD: DENIAL OF CONTINUANCE

- § 96A:1 Sample motion for vacating arbitration award:
denial of continuance—Notice of hearing on
petition
- § 96A:2 —Petition for order vacating arbitration award
- § 96A:3 —Memorandum
- § 96A:4 —*[Proposed]* order

CHAPTER 96B. MOTION TO EXEMPT CASE FROM JUDICIAL ARBITRATION

- § 96B:1 Sample motion to exempt case from judicial
arbitration—Motion to remove case from
judicial arbitration
- § 96B:2 —Memorandum
- § 96B:3 —Declaration
- § 96B:4 —*[Proposed]* order

CHAPTER 96C. PETITION TO VACATE ARB AWARD—RIGHTS OF PARTY PREJUDICED BY MISCONDUCT OF ARBITRATOR

- § 96C:1 Petition to Vacate Arb Award—Rights of Party
Prejudiced by Misconduct of Arbitrator

CHAPTER 96D. SAMPLE PETITION FOR ORDER CONSOLIDATING SEPARATE ARBITRATION PROCEEDINGS

- § 96D:1 Sample petition for order consolidating separate
arbitration proceedings—Notice of hearing on
petition
- § 96D:2 —Petition
- § 96D:3 —Memorandum
- § 96D:4 —*[Proposed]* order

TABLE OF CONTENTS

**PART X. TRIAL AND POST-TRIAL
MOTIONS**

**CHAPTER 97. SAMPLE MOTION FOR
TRIAL SETTING PREFERENCE**

- § 97:1 Sample motion for trial setting preference—
Notice of motion and motion
- § 97:2 —Memorandum
- § 97:3 —Attorney declaration
- § 97:4 —Party declaration
- § 97:5 —*[Proposed]* order

**CHAPTER 97A. MOTION TO ADVANCE
TRIAL DATE**

- § 97A:1 Motion to Advance Trial Date

**CHAPTER 98. SAMPLE MOTION FOR
ORDER GRANTING RELIEF FROM
WAIVER OF JURY TRIAL**

- § 98:1 Sample Motion for Order Granting Relief From
Waiver of Jury Trial—Notice of Motion and
Motion
- § 98:2 —Memorandum
- § 98:3 —Declaration
- § 98:4 —*[Proposed]* Order

**CHAPTER 99. SAMPLE MOTION FOR
ORDER GRANTING LEAVE TO AMEND
COMPLAINT TO CONFORM TO PROOF
AT TRIAL**

- § 99:1 Sample Motion for Order Granting Leave to
Amend Complaint to Conform to Proof at Trial—
Notice of Motion and Motion
- § 99:2 —Memorandum
- § 99:3 —Declaration
- § 99:4 Sample Motion for Order Granting Leave to
Amend the Complaint to Conform to Proof at
Trial—*[Proposed]* Order

**CHAPTER 100. SAMPLE MOTION FOR
NONSUIT**

- § 100:1 Sample motion for nonsuit—Notice of motion
and motion
- § 100:2 —Memorandum

- § 100:3 —Declaration
- § 100:4 —[Proposed] order

CHAPTER 100A. MOTION FOR JUDGMENT PURSUANT TO CCP 631.8

- § 100A:1 Motion for Judgment Pursuant to CCP 631.8

CHAPTER 101. SAMPLE MOTION FOR DIRECTED VERDICT

- § 101:1 Sample motion for directed verdict—Notice of motion and motion
- § 101:2 —Memorandum
- § 101:3 —Declaration
- § 101:4 —[Proposed] order

CHAPTER 102. SAMPLE MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT

- § 102:1 Sample motion for judgment notwithstanding the verdict—Notice of motion and motion
- § 102:2 —Memorandum
- § 102:3 —Declaration
- § 102:4 —[Proposed] order

CHAPTER 103. SAMPLE MOTION FOR NEW TRIAL

- § 103:1 Sample motion for new trial—Notice of motion and motion
- § 103:2 —Memorandum
- § 103:3 —Declaration
- § 103:4 —*[Proposed]* order

CHAPTER 103A. SAMPLE MOTION FOR ADDITUR

- § 103A:1 Sample motion for additur—Notice of motion for a new trial
- § 103A:2 —Memorandum
- § 103A:3 —Declaration
- § 103A:4 —*[Proposed]* conditional order

CHAPTER 103B. SAMPLE MOTION FOR REMITTITUR

- § 103B:1 Sample motion for remittitur—Notice of motion for a new trial
- § 103B:2 —Memorandum

TABLE OF CONTENTS

- § 103B:3 —Declaration
- § 103B:4 —*[Proposed]* conditional order

CHAPTER 103C. SAMPLE MOTION FOR NEW TRIAL (ACCIDENT/SURPRISE)

- § 103C:1 Sample motion for new trial (accident/surprise)—Notice of motion and motion
- § 103C:2 —Memorandum
- § 103C:3 —Declaration
- § 103C:4 —*[Proposed]* order

CHAPTER 103D. SAMPLE MOTION FOR NEW TRIAL (NEWLY DISCOVERED EVIDENCE)

- § 103D:1 Sample motion for new trial (newly discovered evidence)—Notice of motion and motion
- § 103D:2 —Memorandum
- § 103D:3 —Declaration
- § 103D:4 —*[Proposed]* order

CHAPTER 103E. MOTION FOR NEW TRIAL—INSUFFICIENT EVIDENCE

- § 103E:1 Motion for New Trial—Insufficient Evidence

CHAPTER 104. SAMPLE MOTION TO VACATE JUDGMENT

- § 104:1 Sample motion to vacate judgment—Notice of intention and motion
- § 104:2 —Memorandum
- § 104:3 —Declaration
- § 104:4 —*[Proposed]* order

CHAPTER 105. SAMPLE MOTION TO AMEND JUDGMENT

- § 105:1 Sample motion to amend judgment—Notice of intention and motion
- § 105:2 —Memorandum
- § 105:3 —Declaration
- § 105:4 —*[Proposed]* Order

CHAPTER 105A. SAMPLE MOTION FOR TEMPORARY STAY OF ENFORCEMENT OF JUDGMENT

- § 105A:1 Sample motion for temporary stay of

enforcement of judgment—Notice of motion
and motion

§ 105A:2 —Memorandum

§ 105A:3 —Declaration

§ 105A:4 —*[Proposed]* order

CHAPTER 105B. SAMPLE MOTION FOR CONTRIBUTION

§ 105B:1 Sample motion for contribution—Notice of
motion

§ 105B:2 —Memorandum

§ 105B:3 —Declaration

§ 105B:4 —*[Proposed]* order

CHAPTER 106. MOTION IN LIMINE

§ 106:1 Motion in limine—Notice of motion and motion

§ 106:2 —Memorandum

§ 106:3 —*[Proposed]* order

CHAPTER 107. MOTION FOR ORDER TO SET MANDATORY SETTLEMENT CONFERENCE

§ 107:1 Sample motion for order to set mandatory
settlement conference—Notice of motion and
motion

§ 107:2 —Memorandum

§ 107:3 —Declaration

§ 107:4 —*[Proposed]* Order

CHAPTER 107A. MOTION TO BE EXCUSED FROM MANDATORY SETTLEMENT CONFERENCE

§ 107A:1 Motion to be Excused from Mandatory
Settlement Conference

CHAPTER 108. MOTION FOR ORDER FOR VIEW BY TRIER OF FACT

§ 108:1 Sample motion for order for view by trier of
fact—Notice of motion and motion

§ 108:2 —Memorandum

§ 108:3 —Declaration

§ 108:4 —*[Proposed]* Order

TABLE OF CONTENTS

**CHAPTER 108A. SAMPLE MOTION TO
EXCLUDE NON-PARTY WITNESS FROM
COURTROOM**

- § 108A:1 Sample motion to exclude non-party witness
from courtroom—Notice of motion
- § 108A:2 —Memorandum
- § 108A:3 —Declaration
- § 108A:4 —[Proposed] order

**CHAPTER 109. APPLICATION FOR
RENEWAL OF JUDGMENT**

- § 109:1 Sample application for renewal of judgment—
Notice of motion and motion
- § 109:2 —Memorandum

**CHAPTER 110. MOTION FOR ORDER
VACATING RENEWAL OF JUDGMENT**

- § 110:1 Sample motion for order vacating renewal of
judgment—Notice of motion and motion
- § 110:2 —Memorandum
- § 110:3 —Declaration
- § 110:4 —[Proposed] Order

**CHAPTER 111. MOTION TO TRANSFER
TO APPELLATE COURT**

- § 111:1 Motion to Transfer to Appellate Court

Table of Laws and Rules

Table of Cases

Index