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

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 8D. MOTION TO DISQUALIFY JUDGE—PRIOR SERVICE AS LAWYER

§ 8D:1 Motion to disqualify judge—Prior service as lawyer

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. MOTION TO WITHDRAW STIPULATION TO REFEREE

§ 9C:1 Motion to withdraw stipulation to referee

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

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

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

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

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

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

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

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

CHAPTER 9H. SAMPLE APPLICATION FOR ORDER OF CONTEMPT

§ 9H:1 Sample application for order of contempt—Notice
§ 9H:2 —Application
§ 9H:3 —Memorandum
§ 9H:4 —Declaration
§ 9H: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

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
§ 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

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

CHAPTER 16Q. PETITION FOR VALIDATION OF NONCOMPLIANT CORPORATE ACTION

§ 16Q:1 Petition for validation of noncompliant corporate actions

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

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. MOTION TO TRANSFER—NO IMPARTIAL TRIBUNAL

§ 28:1 Motion to transfer—No impartial tribunal

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

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. MOTION TO CONTINUE TRIAL—UNAVAILABILITY OF PARTY

§ 33:1 Motion to continue trial—Unavailability of party

CHAPTER 34. SAMPLE MOTION TO CONTINUE TRIAL (AMENDMENT OF PLEADINGS)

§ 34:1 Sample motion to continue trial (amendment of pleadings)—Notice of motion and motion

§ 34:2 —Memorandum
§ 34:3 —Declaration
§ 34:4 —*[Proposed]* order

CHAPTER 35. MOTION TO CONTINUE TRIAL OR HEARING—SUBSTITUTION OF TRIAL COUNSEL

§ 35:1 Motion to continue trial or hearing—Substitution of trial counsel

CHAPTER 35A. SAMPLE EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

§ 35A:1 Sample ex parte application for temporary restraining order and order to show cause re preliminary injunction—Ex parte application
§ 35A:2 —Memorandum
§ 35A:3 —Declaration

CHAPTER 36. SAMPLE TEMPORARY RESTRAINING ORDER

§ 36:1 *[Proposed]* temporary restraining order

CHAPTER 37. SAMPLE ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

§ 37:1 Sample order to show cause re preliminary injunction

CHAPTER 38. SAMPLE PRELIMINARY INJUNCTION

§ 38:1 Sample preliminary injunction

CHAPTER 39. SAMPLE APPLICATION TO APPEAR AS ATTORNEY PRO HAC VICE

§ 39:1 Sample application to appear as attorney pro hac vice—Notice of hearing on application
§ 39:2 —Application
§ 39:3 —*[Proposed]* order

CHAPTER 40. SAMPLE PETITION FOR RELIEF FROM GOVERNMENT CLAIM FILING REQUIREMENTS

§ 40:1 Sample petition for relief from government claim filing requirements—Notice of hearing on petition
§ 40:2 —Petition
§ 40:3 —Memorandum
§ 40:4 —Declaration
§ 40:5 —*[Proposed]* order

CHAPTER 40A. SAMPLE PETITION FOR RELIEF FROM GOVERNMENT CLAIM FILING REQUIREMENTS (MISTAKE/ INADVERTENCE)

§ 40A:1 Sample petition for relief from government claim filing requirements (mistake/inadvertence)—Notice of hearing on petition
§ 40A:2 —Petition
§ 40A:3 —Memorandum
§ 40A:4 —Declaration
§ 40A:5 —*[Proposed]* order

CHAPTER 40B. SAMPLE RELIEF FROM GOVERNMENT CLAIMS FILING STATUTES—MINORITY

§ 40B:1 Sample petition for relief from government claim filing requirements on basis of minority—Notice of hearing
§ 40B:2 —Petition
§ 40B:3 —Memorandum
§ 40B:4 —Declaration
§ 40B:5 —[Proposed] order

CHAPTER 41. SAMPLE MOTION TO SEAL COURT RECORDS

§ 41:1 Sample motion to seal court records—Notice of motion and motion
§ 41:2 —Memorandum
§ 41:3 —Declaration
§ 41:4 —*[Proposed]* order

CHAPTER 41A. MOTION TO UNSEAL RECORDS

§ 41A:1 Motion to unseal records—Sample notice of motion and motion
§ 41A:2 —Memorandum
§ 41A:3 —Declaration
§ 41A:4 —*[Proposed]* order

CHAPTER 41B. SAMPLE NOTICE OF REMOVAL

§ 41B:1 Sample notice of removal—Diversity jurisdiction
§ 41B:2 —Federal question jurisdiction

PART III. SUMMONS AND PLEADING MOTIONS

CHAPTER 42. APPLICATION FOR SERVICE BY PUBLICATION

§ 42:1 Application for service by publication

CHAPTER 42A. MOTION FOR ALTERNATE SERVICE

§ 42A:1 Motion for alternate service

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

§ 43:1 Sample motion to quash service of summons (untimely 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 SERVICE)

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

CHAPTER 45. SAMPLE MOTION TO QUASH SERVICE OF SUMMONS (DEFECTIVE NOTICE TO CORPORATION OR ASSOCIATION)

§ 45:1 Sample motion to quash service of summons (defective notice to corporation or association)—Notice of motion and motion
§ 45:2 —Memorandum
§ 45:3 —Declaration
§ 45:4 —*[Proposed]* order

CHAPTER 46. SAMPLE MOTION TO QUASH SERVICE OF SUMMONS (LACK OF JURISDICTION OVER NON-RESIDENT)

§ 46:1 Sample motion to quash service of summons (lack of jurisdiction over non-resident)—Notice of motion and motion
§ 46:2 —Memorandum
§ 46:3 —Declaration
§ 46:4 —*[Proposed]* order

CHAPTER 47. SAMPLE MOTION TO AMEND COMPLAINT/PLEADING (CORRECTION OF ERROR)

§ 47:1 Sample motion to amend complaint/pleading (correction of error)—Notice of motion and motion
§ 47:2 —Memorandum
§ 47:3 —Declaration
§ 47:4 —*[Proposed]* order

CHAPTER 47A. MOTION TO FILE LATE ANSWER

§ 47A:1 Sample motion to file late answer—Notice of motion and motion
§ 47A:2 —Memorandum
§ 47A:3 —Declaration
§ 47A:4 —*[Proposed]* order

CHAPTER 47B. SAMPLE MOTION FOR ENLARGEMENT OF TIME TO DEMUR

§ 47B:1 Sample motion for enlargement of time to demur—Sample motion to enlarge time for demurrer

§ 47B:2 —Memorandum
§ 47B:3 —Declaration
§ 47B:4 —[Proposed] order

CHAPTER 47C. MOTION TO FILE CROSS COMPLAINT

§ 47C:1 Sample motion to file cross complaint—Notice of motion and motion
§ 47C:2 —Memorandum
§ 47C:3 —Declaration
§ 47C:4 —*[Proposed]* order

CHAPTER 48. SAMPLE MOTION TO AMEND COMPLAINT (ADD PUNITIVES AGAINST HEALTHCARE PROVIDER, ETC.)

§ 48:1 Sample motion to amend complaint (add punitives against healthcare provider, etc.)—Notice of motion and motion
§ 48:2 —Memorandum
§ 48:3 —Declaration
§ 48:4 —*[Proposed]* order

CHAPTER 48A. MOTION FOR LEAVE TO FILE AMENDED COMPLAINT TO ADD PAGA PLAINTIFF

§ 48A:1 Motion for Leave to File Amended Complaint to Add PAGA Plaintiff

CHAPTER 48B. SAMPLE MOTION FOR ORDER GRANTING LEAVE TO AMEND COMPLAINT TO ADD FICTITIOUSLY NAMED PARTY

§ 48B:1 Sample Motion for Order Granting Leave to Amend Complaint to Add Fictitiously Named Party—Notice of Motion and Motion
§ 48B:2 Sample Motion for Order Granting Leave to Amend Complaint to Add Fictitiously Named Party—Memorandum
§ 48B:3 Sample Motion for Order Granting Leave to Amend Complaint to Add Fictitiously Named Party—Declaration
§ 48B:4 —[Proposed] Order

CHAPTER 48C. SAMPLE MOTION FOR ORDER GRANTING LEAVE TO AMEND ANSWER TO ALLEGE APPLICABLE SUBDIVISION FOR STATUTE OF LIMITATIONS AFFIRMATIVE DEFENSE

§ 48C: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
§ 48C:2 —Memorandum
§ 48C:3 —Declaration
§ 48C:4 Sample Motion for order granting leave to amend answer to allege applicable subdivision for statute of limitations affirmative defense—[Proposed] order

CHAPTER 48D. MOTION TO AMEND PLEADINGS—AFTER MOTION TO STRIKE

§ 48D:1 Motion to amend pleadings—After motion to strike

CHAPTER 49. SAMPLE MOTION TO FILE SUPPLEMENTAL PLEADING

§ 49:1 Sample motion to file supplemental pleading—Notice of motion and motion
§ 49:2 —Memorandum
§ 49:3 —Declaration
§ 49:4 —*[Proposed]* order

CHAPTER 49A. SAMPLE MOTION FOR LEAVE TO FILE SUPPLEMENTAL ANSWER

§ 49A:1 Sample motion for leave to file supplemental answer—Notice of motion and motion
§ 49A:2 —Memorandum
§ 49A:3 —Declaration
§ 49A:4 —*[Proposed]* order

CHAPTER 50. SAMPLE MOTION TO FILE INTERPLEADER OF FUNDS

§ 50:1 Sample motion to file interpleader of funds, discharge of liability, and recovery of attorneys' fees and costs—Notice of motion and motion
§ 50:2 —Memorandum

§ 50:3 —Declaration
§ 50:4 —*[Proposed]* order

CHAPTER 51. SAMPLE DEMURRER

§ 51:1 Sample demurrer—Notice of hearing on demurrer and demurrer
§ 51:2 —Memorandum
§ 51:3 —Declaration
§ 51:4 —*[Proposed]* order

CHAPTER 51A. SAMPLE DEMURRER BASED ON FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

§ 51A:1 Sample demurrer based on failure to exhaust administrative remedies—Notice of hearing on demurrer and demurrer
§ 51A:2 —Memorandum
§ 51A:3 —Declaration
§ 51A:4 —*[Proposed]* order

CHAPTER 51B. DEMURRER BASED ON STATUTE OF LIMITATIONS

§ 51B:1 Demurrer based on statute of limitations

CHAPTER 51C. DEMURRER—ABATEMENT

§ 51C:1 Demurrer—Abatement

CHAPTER 51D. DEMURRER—NO CERTIFICATE OF MERIT AGAINST LICENSED ENGINEER

§ 51D:1 Demurrer—No certificate of merit against licensed engineer

CHAPTER 51E. SAMPLE MOTION TO STRIKE DEMURRER

§ 51E:1 Sample Motion to Strike Demurrer—Notice of motion and motion
§ 51E:2 —Memorandum
§ 51E:3 —Declaration
§ 51E:4 —*[Proposed]* order

CHAPTER 51F. SAMPLE MOTION TO AMEND PLEADINGS AFTER DEMURRER SUSTAINED

§ 51F:1 Sample motion to amend pleadings after demurrer sustained—Notice of motion and motion
§ 51F:2 —Memorandum
§ 51F:3 —Declaration
§ 51F:4 —*[Proposed]* order

CHAPTER 52. SAMPLE MOTION TO STRIKE PLEADING OR PORTION OF PLEADING

§ 52:1 Sample motion to strike pleading or portion of pleading—Notice of motion and motion
§ 52:2 —Memorandum
§ 52:3 —Declaration
§ 52:4 —*[Proposed]* order

CHAPTER 52A. MOTION TO STRIKE PLEADINGS—AS DISCOVERY SANCTION

§ 52A:1 Motion to strike pleadings—As discovery sanction

CHAPTER 52B. SAMPLE MOTION TO STRIKE FOR FAILURE TO COMPLY WITH LOCAL RULE

§ 52B:1 Sample motion to strike for failure to comply with local rule—Notice of motion and motion
§ 52B:2 —Memorandum
§ 52B:3 —Declaration
§ 52B:4 —*[Proposed]* order

CHAPTER 53. MOTION TO STRIKE ANSWER AND ENTER DEFENDANT'S DEFAULT

§ 53:1 Sample motion to strike answer and enter defendant's default—Notice of motion and motion
§ 53:2 —Memorandum
§ 53:3 —*[Proposed]* order

CHAPTER 53A. SAMPLE MOTION TO STRIKE PUNITIVE DAMAGES CLAIM

§ 53A:1 Sample Motion to Strike Punitive Damages Claim—Notice of motion and motion

§ 53A:2 Sample motion to strike punitive damages claim—Memorandum
§ 53A:3 —Declaration
§ 53A:4 —*[Proposed]* order

CHAPTER 54. SAMPLE MOTION FOR JUDGMENT ON THE PLEADINGS

§ 54:1 Sample motion for judgment on the pleadings—Notice of motion and motion
§ 54:2 —Memorandum
§ 54:3 —Declaration
§ 54:4 —*[Proposed]* order

CHAPTER 55. SAMPLE SPECIAL MOTION TO STRIKE (ANTI-SLAPP MOTION)

§ 55:1 Sample special motion to strike (anti-SLAPP motion)—Notice of motion and motion
§ 55:2 —Memorandum
§ 55:3 —Declaration
§ 55:4 —*[Proposed]* order

CHAPTER 55A. SAMPLE MOTION TO CONDUCT SPECIFIC DISCOVERY AFTER ANTI-SLAPP

§ 55A:1 Sample motion to conduct specific discovery after Anti-SLAPP—Notice of motion and motion
§ 55A:2 —Memorandum
§ 55A:3 —Declaration
§ 55A:4 —*[Proposed]* order

Table of Contents

PART IV. DISCOVERY MOTIONS

CHAPTER 56. SAMPLE MOTION FOR ADDITIONAL DISCOVERY (LIMITED—OR ALTERNATIVELY TO WITHDRAW CASE FROM ECONOMIC LITIGATION)

§ 56:1 Sample motion for additional discovery (limited—or alternatively to withdraw case from economic litigation)—Notice of motion and motion

§ 56:2 —Memorandum

§ 56:3 —Declaration

§ 56:4 —*[Proposed]* order

CHAPTER 56A. MOTION FOR LEAVE TO PROPOUND ADDITIONAL SUPPLEMENTAL DISCOVERY

§ 56A:1 Sample motion for leave to propound additional supplemental discovery—Notice of motion and motion

§ 56A:2 —Memorandum

§ 56A:3 —Declaration

§ 56A:4 —*[Proposed]* order

CHAPTER 56B. MOTION NOT TO SERVE COPY OF INTERROGATORIES ON OTHER PARTIES

§ 56B:1 Motion Not to Serve Copy of Interrogatories on Other Parties

CHAPTER 57. SAMPLE MOTION TO CONDUCT DISCOVERY PRIOR TO COMMENCEMENT OF ACTION

§ 57:1 Sample motion to conduct discovery prior to commencement of action—Notice of motion and motion

§ 57:2 —Petition

§ 57:3 —Memorandum
§ 57:4 —*[Proposed]* order

CHAPTER 57A. SAMPLE MOTION TO CHANGE SEQUENCE AND/OR TIMING OF DISCOVERY

§ 57A:1 Sample motion to change sequence and/or timing of discovery—Notice of motion
§ 57A:2 —Memorandum
§ 57A:3 —Declaration
§ 57A:4 —[Proposed] order

CHAPTER 57B. SAMPLE MOTION TO SHORTEN OR EXTEND TIME FOR SCHEDULING DEPOSITION

§ 57B:1 Sample motion to shorten or extend time for scheduling deposition—Notice of motion and motion
§ 57B:2 —Memorandum
§ 57B:3 —Declaration
§ 57B:4 —*[Proposed]* order

CHAPTER 57C. MOTION TO PROPOUND DISCOVERY AT EARLIER TIME

§ 57C:1 Motion to Propound Discovery at Earlier Time

CHAPTER 58. SAMPLE MOTION FOR PROTECTIVE ORDER (GENERAL FORM)

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

CHAPTER 58A. SAMPLE MOTION FOR PROTECTIVE ORDER RE PRODUCTION OF ELECTRONICALLY STORED INFORMATION

§ 58A:1 Sample motion for protective order re production of electronically stored information—Notice of motion
§ 58A:2 —Memorandum
§ 58A:3 —Declaration
§ 58A:4 —[Proposed] protective order

CHAPTER 58B. SAMPLE MOTION FOR PROTECTIVE ORDER RE PRODUCTION OF ELECTRONICALLY STORED INFORMATION AT DEPOSITION

§ 58B:1 Sample motion for protective order re production of electronically stored information at deposition—Notice of motion and motion
§ 58B:2 —Memorandum
§ 58B:3 —Declaration
§ 58B:4 —*[Proposed]* order

CHAPTER 58C. SAMPLE TO SET CONDITIONS ON PRODUCTION OF ELECTRONICALLY STORED INFORMATION

§ 58C:1 Sample to set conditions on production of electronically stored information—Notice of motion and motion
§ 58C:2 —Memorandum
§ 58C:3 —Declaration
§ 58C:4 —*[Proposed]* order

CHAPTER 58D. SAMPLE MOTION BY RESPONDING PARTY RE COST SHIFTING PRODUCTION OF ELECTRONICALLY STORED INFORMATION

§ 58D:1 Sample motion by responding party re cost shifting production of electronically stored information—Notice of motion and motion
§ 58D:2 —Memorandum
§ 58D:3 —Declaration
§ 58D:4 —*[Proposed]* order

CHAPTER 58E. MOTION FOR PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION

§ 58E:1 Sample motion for protective order regarding confidential information—Notice of motion and motion
§ 58E:2 —Memorandum
§ 58E:3 —Declaration
§ 58E:4 —*[Proposed]* order

CHAPTER 58F. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING INTERROGATORIES

§ 58F:1 Sample motion for protective order regarding interrogatories—Notice of motion and motion
§ 58F:2 —Memorandum
§ 58F:3 —Declaration
§ 58F:4 —[Proposed] protective order

CHAPTER 58G. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING PRODUCTION OR INSPECTION OF DOCUMENTS

§ 58G:1 Sample motion for protective order regarding production or inspection of documents—Notice of motion and motion
§ 58G:2 —Memorandum
§ 58G:3 —Declaration
§ 58G:4 —[Proposed] protective order

CHAPTER 58H. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING REQUESTS FOR ADMISSION

§ 58H:1 Sample motion for protective order regarding requests for admission—Notice of motion and motion
§ 58H:2 —Memorandum
§ 58H:3 —Declaration
§ 58H:4 —[Proposed] protective order

CHAPTER 58I. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING DISCOVERY OF MEDICAL HISTORY

§ 58I:1 Sample motion for protective order regarding discovery of medical history—Notice of motion and motion
§ 58I:2 —Memorandum
§ 58I:3 —Declaration
§ 58I:4 —*[Proposed]* protective order

CHAPTER 58J. MOTION FOR PROTECTIVE ORDER—EDUCATIONAL PSYCHOLOGICAL RECORDS

§ 58J:1 Motion for protective order—Educational psychological records

CHAPTER 58K. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING INADVERTENTLY DISCLOSED PRIVILEGED MATERIALS

§ 58K:1 Sample motion for protective order regarding inadvertently disclosed privileged materials—Notice of motion and motion
§ 58K:2 —Memorandum
§ 58K:3 —Declaration
§ 58K:4 —*[Proposed]* protective order

CHAPTER 58L. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING DISCOVERY OF ATTORNEY WORK PRODUCT

§ 58L:1 Sample motion for protective order regarding discovery of attorney work product—Notice of motion and motion
§ 58L:2 —Memorandum
§ 58L:3 —Declaration
§ 58L:4 —*[Proposed]* protective order

CHAPTER 59. MOTION FOR RELIEF FROM WAIVER OF OBJECTIONS

§ 59:1 Sample motion for relief from waiver of objections (general form)—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 AND HAVE DISCOVERY MOTIONS HEARD (AND/OR TO REOPEN DISCOVERY AFTER NEW TRIAL DATE)

§ 60:1 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
§ 60:2 —Memorandum
§ 60:3 —Declaration
§ 60:4 —*[Proposed]* order

CHAPTER 61. SAMPLE MOTION TO EXTEND TIME TO COMPLETE DISCOVERY PRIOR TO ARBITRATION (OR TO REOPEN DISCOVERY AFTER ARBITRATION AWARD)

§ 61:1 Sample motion to extend time to complete discovery prior to arbitration (or to reopen discovery after arbitration award)—Notice of motion and motion
§ 61:2 —Memorandum
§ 61:3 —Declaration
§ 61:4 —*[Proposed]* order

CHAPTER 62. SAMPLE MOTION FOR PROTECTIVE ORDER (LIMITING DISCOVERY OF DEFENDANT'S PROFITS AND FINANCIAL STATUS)

§ 62:1 Sample motion for protective order (limiting discovery of defendant's profits and financial status)—Notice of motion and motion
§ 62:2 —Memorandum
§ 62:3 —Declaration
§ 62:4 —*[Proposed]* protective order

CHAPTER 63. SAMPLE MOTION TO STAY DEPOSITION AND QUASH DEPOSITION NOTICE

§ 63:1 Sample motion to stay deposition and quash deposition notice—Notice of motion and motion
§ 63:2 —Memorandum
§ 63:3 —Declaration
§ 63:4 —Separate statement
§ 63:5 —*[Proposed]* order

CHAPTER 63A. SAMPLE OBJECTION TO OR MOTION TO QUASH SUBPOENA FOR RECORDS RELATING TO ALCOHOL OR DRUG TREATMENT BY NON-PARTY WITNESS

§ 63A:1 Sample objection to or motion to quash subpoena for records relating to alcohol or drug treatment by non-party witness—Notice
§ 63A:2 Sample Objection to or Motion to Quash Subpoena for Records Relating to Alcohol or

Drug Treatment by Non-Party Witness—Memorandum
§ 63A:3 —Declaration
§ 63A:4 —*[Proposed]* Order

CHAPTER 63B. MOTION FOR ORDER APPOINTING REFEREE FOR DISCOVERY

§ 63B:1 Sample motion for order appointing referee for discovery—Notice of motion and motion
§ 63B:2 —Memorandum
§ 63B:3 —Declaration
§ 63B:4 —*[Proposed]* Order

CHAPTER 64. SAMPLE MOTION TO COMPEL ATTENDANCE AND PRODUCTION OF DOCUMENTS AT DEPOSITION

§ 64:1 Sample motion to compel attendance and production of documents at deposition—Notice of motion and motion
§ 64:2 —Memorandum
§ 64:3 —Declaration
§ 64:4 —Separate statement
§ 64:5 —*[Proposed]* order

CHAPTER 64A. SAMPLE MOTION FOR SANCTIONS FOR FAILURE OF DEPONENT TO ATTEND DEPOSITION

§ 64A:1 Sample motion for sanctions for failure of deponent to attend deposition—Notice of motion and motion
§ 64A:2 —Memorandum
§ 64A:3 —Declaration
§ 64A:4 —*[Proposed]* order

CHAPTER 64B. MOTION FOR SANCTIONS AGAINST NOTICING PARTY FOR FAILURE TO ATTEND DEPO

§ 64B:1 Motion for Sanctions Against Noticing Party for Failure to Attend Depo

CHAPTER 65. SAMPLE MOTION TO COMPEL COMPLIANCE WITH DEPOSITION SUBPOENA

§ 65:1 Sample motion to compel compliance with

deposition subpoena—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 COMPLIANCE WITH DEPOSITION SUBPOENA DEMANDING ELECTRONICALLY STORED INFORMATION

§ 65A:1 Sample motion to compel compliance with deposition subpoena demanding electronically stored information—Notice of motion and motion
§ 65A:2 —Memorandum
§ 65A:3 —Declaration
§ 65A:4 —Separate statement of issue regarding refusal to answer questions at deposition
§ 65A:5 —*[Proposed]* order

CHAPTER 66. SAMPLE MOTION TO COMPEL ANSWERS AND PRODUCTION OF DOCUMENTS AT DEPOSITION

§ 66:1 Sample motion to compel answers and production of documents at deposition—Notice of motion and motion
§ 66:2 —Memorandum
§ 66:3 —Declaration
§ 66:4 —Separate statement
§ 66:5 —*[Proposed]* order

CHAPTER 66A. SAMPLE MOTION TO COMPEL PRODUCTION OF ELECTRONICALLY STORED INFORMATION

§ 66A:1 Sample motion to compel production of electronically stored information—Notice of motion and motion
§ 66A:2 —Memorandum
§ 66A:3 —Declaration
§ 66A:4 —Separate statement of issues regarding motion
§ 66A:5 —*[Proposed]* order

CHAPTER 66B. MOTION FOR SANCTIONS FOR UNSUCCESSFUL MOTION TO COMPEL ANSWERS/ PRODUCTION OF DOCUMENTS AT DEPOSITION

§ 66B:1 Motion for sanctions for unsuccessful motion to compel answers/production of documents at deposition

CHAPTER 67. SAMPLE MOTION TO INCREASE TRAVEL LIMITS FOR DEPOSITION

§ 67:1 Sample motion to increase travel limits for deposition—Notice of motion and motion
§ 67:2 —Memorandum
§ 67:3 —Declaration
§ 67:4 —*[Proposed]* order

CHAPTER 67A. SAMPLE MOTION TO TAKE SUBSEQUENT DEPOSITION

§ 67A:1 Sample motion to take subsequent deposition—Notice of motion and motion
§ 67A:2 —Memorandum
§ 67A:3 —Declaration
§ 67A:4 —*[Proposed]* order

CHAPTER 67B. SAMPLE MOTION TO INCREASE TIME LIMIT FOR DEPOSITION

§ 67B:1 Sample motion to increase time limit for deposition—Notice of motion and motion
§ 67B:2 Sample motion to increase time limit for deposition—Memorandum
§ 67B:3 —Declaration
§ 67B:4 —*[Proposed]* order

CHAPTER 68. SAMPLE MOTION TO QUASH OR MODIFY DEPOSITION SUBPOENA FOR CONSUMER OR EMPLOYEE RECORDS

§ 68:1 Sample motion to quash or modify deposition subpoena for consumer or employee records—Notice of motion and motion
§ 68:2 —Memorandum

§ 68:3 —Declaration
§ 68:4 —Separate statement
§ 68:5 —*[Proposed]* order

CHAPTER 68A. MOTION TO ENFORCE SUBPOENA FOR CONSUMER RECORDS

§ 68A:1 Motion to enforce subpoena for consumer records

CHAPTER 68B. SAMPLE MOTION TO EXTEND TIME IN WHICH TO RESPOND TO DISCOVERY (GENERAL FORM)

§ 68B:1 Sample motion to extend time in which to respond to discovery (general form)—Notice of motion and motion
§ 68B:2 —Memorandum
§ 68B:3 —Declaration
§ 68B:4 —[Proposed] order

CHAPTER 69. SAMPLE MOTION TO COMPEL ANSWERS TO INTERROGATORIES

§ 69:1 Sample motion to compel answers to interrogatories—Notice of motion and motion
§ 69:2 —Memorandum
§ 69:3 —Declaration
§ 69:4 —*[Proposed]* order

CHAPTER 69A. MOTION TO DEEM INITIAL ANSWER TO INTERROGATORIES BINDING

§ 69A:1 Motion to Deem Initial Answer to Interrogatories Binding

CHAPTER 70. SAMPLE MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES

§ 70:1 Sample motion to compel further responses to interrogatories—Notice of motion and motion
§ 70:2 —Memorandum
§ 70:3 —Declaration
§ 70:4 —Separate statement
§ 70:5 —*[Proposed]* order

CHAPTER 70A. SAMPLE MOTION FOR AN EXTENSION OF TIME TO RESPOND TO INTERROGATORIES

§ 70A:1 Sample motion for an extension of time to respond to interrogatories—Notice of motion and motion
§ 70A:2 —Memorandum
§ 70A:3 —Declaration
§ 70A:4 —[Proposed] order

CHAPTER 70B. MOTION TO SHORTEN TIME FOR RESPONSES TO INTERROGATORIES

§ 70B:1 Motion to shorten time for responses to interrogatories

CHAPTER 70C. MOTION FOR LEAVE TO PROPOUND INTERROGATORIES AT EARLIER TIME

§ 70C:1 Motion for leave to propound interrogatories at earlier time

CHAPTER 70D. SAMPLE RELIEF FROM WAIVER OF OBJECTIONS TO INTERROGATORIES

§ 70D:1 Sample relief from waiver of objections to interrogatories—Sample motion for relief from waiver of objections to interrogatories
§ 70D:2 —Memorandum
§ 70D:3 —Declaration
§ 70D:4 —[Proposed] order

CHAPTER 70E. MOTION FOR SANCTIONS—UNSUCCESSFUL MOTION TO COMPEL INTERROGATORIES

§ 70E:1 Motion for Sanctions—Unsuccessful Motion to Compel Interrogatories

CHAPTER 71. SAMPLE MOTION TO COMPEL RESPONSES TO INSPECTION DEMANDS

§ 71:1 Sample motion to compel responses to inspection demands—Notice of motion and motion
§ 71:2 —Memorandum

§ 71:3 —Declaration
§ 71:4 —*[Proposed]* order

CHAPTER 71A. SAMPLE MOTION TO COMPEL ELECTRONICALLY STORED INFORMATION

§ 71A:1 Sample Motion to Compel Electronically Stored Information—Notice of Motion and Motion
§ 71A:2 Sample motion to compel electronically stored information—Memorandum
§ 71A:3 —Declaration
§ 71A:4 —*[Proposed]* order
§ 71A:5 —Separate statement

CHAPTER 72. SAMPLE MOTION TO COMPEL FURTHER RESPONSES TO INSPECTION DEMANDS

§ 72:1 Sample motion to compel further responses to inspection demands—Notice of motion and motion
§ 72:2 —Memorandum
§ 72:3 —Declaration
§ 72:4 —Separate statement
§ 72:5 —*[Proposed]* order

CHAPTER 73. SAMPLE MOTION TO COMPEL COMPLIANCE WITH INSPECTION DEMANDS

§ 73:1 Sample motion to compel compliance with inspection demands—Notice of motion and motion
§ 73:2 —Memorandum
§ 73:3 —Declaration
§ 73:4 —*[Proposed]* order

CHAPTER 73A. SAMPLE MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEMAND FOR INSPECTION AND PRODUCTION OF DOCUMENTS

§ 73A:1 Sample motion for an extension of time to respond to demand for inspection and production of documents—Notice of motion and motion
§ 73A:2 —Memorandum
§ 73A:3 —Declaration

§ 73A:4 —[Proposed] order

CHAPTER 73B. RELIEF FROM WAIVER OF OBJECTIONS TO REQUESTS FOR PRODUCTION

§ 73B:1 Relief from Waiver of Objections to RFP'sRequests for Production

CHAPTER 73C. SAMPLE MOTION TO COMPEL RESPONSES TO SUPPLEMENTAL INSPECTION DEMANDS

§ 73C:1 Sample motion to compel responses to supplemental inspection demands—Notice of motion

§ 73C:2 —Memorandum

§ 73C:3 —Declaration

§ 73C:4 —[Proposed] order

CHAPTER 74. SAMPLE MOTION TO DEEM MATTERS ADMITTED/ GENUINENESS OF DOCUMENTS

§ 74:1 Sample motion to deem matters admitted/ genuineness of documents—Notice of motion and motion

§ 74:2 —Memorandum

§ 74:3 —Declaration

§ 74:4 —*[Proposed]* order

CHAPTER 75. SAMPLE MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSIONS

§ 75:1 Motion to compel further responses to requests for admissions—Notice of motion and motion

§ 75:2 —Memorandum

§ 75:3 —Declaration

§ 75:4 —Separate statement

§ 75:5 —*[Proposed]* Order

CHAPTER 76. SAMPLE MOTION TO WITHDRAW OR AMEND ADMISSIONS

§ 76:1 Sample motion to withdraw or amend admissions—Notice of motion and motion

§ 76:2 —Memorandum

§ 76:3 —Declaration

§ 76:4 —*[Proposed]* order

CHAPTER 76A. SAMPLE MOTION FOR AN EXTENSION OF TIME TO RESPOND TO REQUESTS FOR ADMISSION

§ 76A:1 Sample motion for an extension of time to respond to requests for admission—Notice of motion and motion
§ 76A:2 —Memorandum
§ 76A:3 —Declaration
§ 76A:4 —[Proposed] order

CHAPTER 77. SAMPLE MOTION TO COMPEL COMPLIANCE WITH DEMAND FOR PHYSICAL EXAMINATION

§ 77:1 Sample motion to compel compliance with demand for physical 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 UNSUCCESSFUL MOTION TO COMPEL (PHYSICAL EXAMINATION/MEDICAL REPORTS)

§ 77A:1 Sample motion for sanctions for unsuccessful motion to compel (physical examination/ medical reports)—Notice of motion and motion
§ 77A:2 —Memorandum
§ 77A:3 —Declaration
§ 77A:4 —*[Proposed]* order

CHAPTER 77B. SAMPLE MOTION FOR RELIEF FROM WAIVER OF OBJECTIONS FOR LATE RESPONSE TO DEMAND FOR PHYSICAL EXAMINATION

§ 77B:1 Sample motion for relief from waiver of objections for late response to demand for physical examination—Notice of motion and motion
§ 77B:2 —Memorandum
§ 77B:3 —Declaration
§ 77B:4 —*[Proposed]* order

CHAPTER 77C. SAMPLE MOTION FOR PROTECTIVE ORDER RE PHYSICAL EXAMINATION

§ 77C:1 Sample motion for protective order re physical examination—Notice of motion
§ 77C:2 —Memorandum
§ 77C:3 —Declaration
§ 77C:4 —declaration in support of monetary sanctions
§ 77C:5 —[Proposed] protective order

CHAPTER 78. SAMPLE MOTION FOR LEAVE TO CONDUCT PHYSICAL/ MENTAL EXAMINATION

§ 78:1 Sample motion for leave to conduct physical/ mental examination—Notice of motion and motion
§ 78:2 —Memorandum
§ 78:3 —Declaration
§ 78:4 —Separate statement
§ 78:5 —*[Proposed]* order

CHAPTER 78A. SAMPLE MOTION FOR SANCTIONS FOR SPOLIATION OF EVIDENCE

§ 78A:1 Sample motion for sanctions for spoliation of evidence—Notice of motion and motion
§ 78A:2 —Memorandum
§ 78A:3 —Declaration
§ 78A:4 —Separate statement
§ 78A:5 —*[Proposed]* order

CHAPTER 78B. SAMPLE SANCTIONS RE INTENTIONAL SPOLIATION OF ELECTRONICALLY STORED INFORMATION

§ 78B:1 Sample Sanctions re Intentional Spoliation of Electronically Stored Information—Notice of motion and motion
§ 78B:2 —Memorandum
§ 78B:3 Sample sanctions re intentional spoliation of electronically stored information—Declaration
§ 78B:4 —Separate statement of issues in dispute
§ 78B:5 —*[Proposed]* order

CHAPTER 78C. MOTION FOR ORDER COMPELLING DELIVERY OF MEDICAL REPORTS

§ 78C:1 Sample motion order compelling delivery of medical reports—Notice of motion and motion
§ 78C:2 —Memorandum
§ 78C:3 —Declaration
§ 78C:4 —*[Proposed]* Order

CHAPTER 78D. MOTION FOR PRETRIAL DISCOVERY OF DEFENDANT'S PROFITS AND FINANCIAL CONDITION

§ 78D:1 Sample motion for pretrial discovery of defendant's profits and financial condition—Notice of motion and motion
§ 78D:2 —Memorandum
§ 78D:3 —Declaration
§ 78D:4 —*[Proposed]* order

CHAPTER 78E. SAMPLE MOTION FOR ORDER ENFORCING STIPULATION

§ 78E:1 Sample motion for order enforcing stipulation—Notice of motion and motion
§ 78E:2 —Memorandum
§ 78E:3 —Declaration
§ 78E:4 Sample motion for enforcing stipulation—[Proposed] order

CHAPTER 78F. MOTION TO REOPEN DISCOVERY AFTER CONTINUANCE

§ 78F:1 Motion to Reopen Discovery after Continuance

PART V. EXPERT WITNESS MOTIONS

CHAPTER 79. SAMPLE MOTION TO AUGMENT EXPERT WITNESS INFORMATION

§ 79:1 Sample motion to augment expert witness information—Notice of motion and motion
§ 79:2 —Memorandum
§ 79:3 —Declaration

§ 79:4 —*[Proposed]* order

CHAPTER 79A. SAMPLE MOTION FOR PROTECTIVE ORDER REGARDING DEMAND FOR EXCHANGE OF EXPERT WITNESS INFORMATION

§ 79A:1 Sample motion for protective order regarding demand for exchange of expert witness information—Notice of motion and motion
§ 79A:2 —Memorandum
§ 79A:3 —Declaration
§ 79A:4 —[Proposed] protective order

CHAPTER 80. SAMPLE MOTION TO SUBMIT TARDY EXPERT WITNESS INFORMATION

§ 80:1 Sample motion to submit tardy expert witness information—Notice of motion and motion
§ 80:2 —Memorandum
§ 80:3 —Declaration
§ 80:4 —*[Proposed]* order

CHAPTER 80A. SAMPLE MOTION TO EXCLUDE EXPERT WITNESS TESTIMONY DUE TO FAILURE TO LIST WITNESS AS EXPERT

§ 80A:1 Sample motion to exclude expert witness testimony due to failure to list witness as expert—Notice of motion and motion
§ 80A:2 —Memorandum
§ 80A:3 —Declaration
§ 80A:4 —*[Proposed]* order

CHAPTER 80B. SAMPLE MOTION TO EXCLUDE EXPERT TESTIMONY—FAILURE TO PRODUCE REPORT AND WRITINGS

§ 80B: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
§ 80B:2 — —Memorandum
§ 80B:3 — —Declaration
§ 80B:4 — —[Proposed] order

CHAPTER 80C. SAMPLE MOTION TO SET EXPERT FEES

§ 80C:1 Sample motion to set expert fees—Notice of motion
§ 80C:2 —Memorandum
§ 80C:3 —Declaration
§ 80C:4 —[Proposed] order

CHAPTER 80D. SAMPLE MOTION TO SET EXPERT FEES (DEPOSITION TESTIMONY)

§ 80D:1 Sample motion to set expert fees (deposition testimony)—Notice of motion and motion
§ 80D:2 —Memorandum
§ 80D:3 —Declaration
§ 80D:4 —*[Proposed]* order

CHAPTER 80E. SAMPLE MOTION FOR COURT-APPOINTED EXPERT WITNESS

§ 80E:1 Sample motion for court-appointed expert witness—Notice of motion and motion
§ 79E:2 —Memorandum
§ 80E:3 —Declaration
§ 80E:4 —*[Proposed]* order

CHAPTER 80F. SAMPLE MOTION FOR PROTECTIVE ORDER PERMITTING EXPERT WITNESS DEPOSITION AT LOCATION FURTHER THAN 75 MILES FROM COURTHOUSE

§ 80F:1 Sample motion for protective order permitting expert witness deposition at location further than 75 miles from courthouse—Notice of motion and motion
§ 80F:2 —Memorandum
§ 80F:3 —Declaration
§ 80F:4 —[Proposed] protective order

CHAPTER 80G. SAMPLE MOTION FOR ORDER COMPELLING PRODUCTION OF EXPERT'S REPORTS IN OTHER LIKE CASES

§ 80G:1 Sample motion for order compelling production of expert's reports in other like cases—Notice of motion and motion

§ 80G:2 —Memorandum
§ 80G:3 —Declaration
§ 80G:4 —[Proposed] order

PART VI. MOTION FOR SUMMARY JUDGMENT OR ADJUDICATION

CHAPTER 81. SAMPLE MOTION FOR SUMMARY JUDGMENT *[OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION]*

§ 81:1 Sample motion for summary judgment [or in the alternative, for summary adjudication]—Notice of motion and motion
§ 81:2 Sample motion for summary judgment *[or in the alternative, for summary adjudication]*—Memorandum
§ 81:3 —Declaration
§ 81:4 —Separate statement of undisputed material facts
§ 81:5 —*[Proposed]* order

CHAPTER 81A. SAMPLE MOTION FOR SUMMARY JUDGMENT OR ADJUDICATION BASED ON STATUTE OF LIMITATIONS AFFIRMATIVE DEFENSE

§ 81A:1 Sample motion for summary judgment or adjudication based on statute of limitations affirmative defense—Notice of motion and motion
§ 81A:2 —Memorandum
§ 81A:3 —Declaration
§ 81A:4 —Separate statement of undisputed material facts
§ 81A:5 —[Proposed] order

CHAPTER 82. SAMPLE OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

§ 82:1 Sample opposition to motion for summary judgment [or in the alternative, for summary adjudication] based on request for continuance to obtain additional essential evidence
§ 82:2 —Memorandum
§ 82:3 —Declaration

§ 82:4 —*[Proposed]* order

CHAPTER 82A. EX PARTE APPLICATION TO CONTINUE HEARING ON MOTION FOR SUMMARY JUDGMENT

§ 82A:1 Sample ex parte application to continue hearing on motion for summary judgment—Notice of motion and motion
§ 82A:2 —Memorandum
§ 82A:3 —Declaration
§ 82A:4 —*[Proposed]* Order

PART VII. DISMISSAL AND SETTLEMENT MOTIONS

CHAPTER 83. SAMPLE MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT

§ 83:1 Sample motion for determination of good faith settlement—Notice of motion and motion
§ 83:2 —Memorandum
§ 83:3 —Declaration
§ 83:4 —*[Proposed]* order

CHAPTER 83A. MOTION FOR APPROVAL OF PAGA SETTLEMENT

§ 83A:1 Motion for Approval of PAGA Settlement

CHAPTER 84. SAMPLE MOTION TO ENFORCE SETTLEMENT

§ 84:1 Sample motion to enforce settlement—Notice of motion and motion
§ 84:2 —Memorandum
§ 84:3 —Declaration
§ 84:4 —*[Proposed]* order

CHAPTER 85. SAMPLE MOTION TO DISMISS ACTION FOR FAILURE TO PROSECUTE CASE WITHIN TIME PERIODS PRESCRIBED BY STATUTE

§ 85:1 Sample motion to dismiss action for failure to prosecute case within time periods prescribed by statute—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 PLAINTIFF'S FAILURE TO SERVE SUMMONS WITHIN THREE YEARS

§ 86:1 Sample motion to dismiss action on ground of plaintiff's failure to serve summons within three years—Notice of motion and motion
§ 86:2 —Memorandum
§ 86:3 —Declaration
§ 86:4 —*[Proposed]* order

CHAPTER 87. SAMPLE MOTION TO DISMISS ACTION ON GROUND OF INCONVENIENT FORUM

§ 87:1 Sample motion to dismiss action on ground of inconvenient forum—Notice of motion and motion
§ 87:2 —Memorandum
§ 87:3 —Declaration
§ 87:4 —*[Proposed]* order

CHAPTER 88. SAMPLE MOTION TO DISMISS FOR PLAINTIFF'S FAILURE TO AMEND FOLLOWING [SUSTAINING OF DEMURRER AND/OR GRANTING OF MOTION TO STRIKE]

§ 88:1 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
§ 88:2 —Memorandum
§ 88:3 —Declaration
§ 88:4 —*[Proposed]* order

CHAPTER 89. SAMPLE MOTION TO DISMISS ACTION FOR FAILURE TO OBEY DISCOVERY ORDERS

§ 89:1 Sample motion to dismiss action for failure to obey discovery orders—Notice of motion and motion
§ 89:2 —Memorandum
§ 89:3 —Declaration

§ 89:4 —*[Proposed]* order

CHAPTER 90. SAMPLE MOTION TO DISMISS ACTION FOR VIOLATION OF LOCAL/STATE RULES OF COURT

§ 90:1 Sample motion to dismiss action for violation of local/state rules of court—Notice of motion and motion
§ 90:2 —Memorandum
§ 90:3 —Declaration
§ 90:4 —*[Proposed]* order

PART VIII. MOTIONS FOR COST OR SANCTIONS

CHAPTER 91. SAMPLE MOTION FOR SANCTIONS (CODE CIV. PROC. § 128.7)

§ 91:1 Sample motion for sanctions (Code Civ. Proc. § 128.7)—Notice of motion and motion
§ 91:2 —Memorandum
§ 91:3 —Declaration
§ 91:4 —*[Proposed]* order

CHAPTER 91A. SAMPLE MOTION FOR ORDER SETTING ASIDE DISMISSAL [OR MAINTAINING CASE ON CIVIL ACTIVE STATUS] FOLLOWING A CONDITIONAL SETTLEMENT

§ 91A:1 Sample motion for order setting aside dismissal [or maintaining case on civil active status] following a conditional settlement—Notice of motion and motion
§ 91A:2 —Memorandum
§ 91A:3 —Declaration
§ 91A:4 —*[Proposed]* order

CHAPTER 91B. MOTION TO STRIKE AND/OR TAX COSTS

§ 91B:1 Sample motion to strike and/or tax costs—Notice of motion and motion
§ 91B:2 —Memorandum
§ 91B:3 —Declaration
§ 91B:4 —*[Proposed]* Order

CHAPTER 91C. MOTION FOR RELIEF FROM COSTS (TRIAL DE NOVO)

§ 91C:1 Sample motion for relief from costs (trial de novo)—Notice of motion and motion
§ 91C:2 —Memorandum
§ 91C:3 —Declaration
§ 91C:4 —*[Proposed]* Order

CHAPTER 91D. SAMPLE MOTION FOR SANCTIONS

§ 91D:1 Sample motion for sanctions—Notice of motion and motion
§ 91D:2 —Memorandum
§ 91D:3 Sample motion for Sanctions—Declaration
§ 91D:4 —*[Proposed]* order

CHAPTER 91E. SAMPLE MOTION FOR DEFENSE COSTS FOR BAD FAITH ACTIONS UNDER TORT CLAIMS ACT

§ 91E:1 Sample motion for defense costs for bad faith actions under tort claims act—Notice of motion and motion
§ 91E:2 —Memorandum
§ 91E:3 —Declaration
§ 91E:4 —*[Proposed]* order

CHAPTER 91F. SAMPLE MOTION FOR ATTORNEY'S FEES BASED ON PRIVATE ATTORNEY GENERAL DOCTRINE

§ 91F:1 Sample motion for attorney's fees based on private attorney general doctrine—Notice of motion and motion
§ 91F:2 —Memorandum
§ 91F:3 —Declaration
§ 91F:4 —*[Proposed]* order

CHAPTER 91G. SAMPLE MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH LOCAL RULE

§ 91G:1 Sample motion for sanctions for failure to comply with local rule—Notice of motion and motion
§ 91G:2 —Memorandum
§ 91G:3 —Declaration
§ 91G:4 —*[Proposed]* order

CHAPTER 92. SAMPLE MOTION FOR SANCTIONS (GENERAL DISCOVERY SANCTIONS)

§ 92:1 Sample motion for sanctions (general discovery sanctions)—Notice of motion and motion
§ 92:2 —Memorandum
§ 92:3 —Declaration
§ 92:4 —Separate statement (for issue or evidentiary sanctions)
§ 92:5 —*[Proposed]* order

CHAPTER 92A. SAMPLE MOTION FOR SANCTIONS (VIOLATION OF COURT ORDER)

§ 92A:1 Sample motion for sanctions (violation of court order)—Notice of motion
§ 92A:2 —Memorandum
§ 92A:3 —Declaration
§ 92A:4 —[Proposed] order

CHAPTER 92B. SAMPLE MOTION FOR ORDER FOR REIMBURSEMENT (REQUESTS FOR ADMISSIONS)

§ 92B:1 Sample motion for order for reimbursement (requests for admissions)—Notice of motion and motion
§ 92B:2 —Memorandum
§ 92B:3 —Declaration
§ 92B:4 —[Proposed] order

CHAPTER 92C. SAMPLE MOTION FOR SANCTIONS FOR FAILURE TO PROVIDE FURTHER RESPONSES TO INTERROGATORIES

§ 92C:1 Sample motion for sanctions for failure to provide further responses to interrogatories—Notice of motion and motion
§ 92C:2 —Memorandum
§ 92C:3 —Declaration
§ 92C:4 —Separate statement of issues
§ 92C:5 —[Proposed] order

PART IX. ARBITRATION MOTIONS

CHAPTER 93. SAMPLE PETITION TO COMPEL ARBITRATION

§ 93:1 Sample petition to compel arbitration—Notice of hearing on petition
§ 93:2 —Petition
§ 93:3 —Memorandum
§ 93:4 —*[Proposed]* order

CHAPTER 93A. PETITION TO COMPEL ARBITRATION—UNINSURED MOTORIST ACTION

§ 93A:1 Petition to compel arbitration—Uninsured motorist action

CHAPTER 93B. SAMPLE MOTION TO INTERVENE (PARTY TO ARBITRATION AGREEMENT)

§ 93B:1 Sample motion to intervene (party to arbitration agreement)—Notice of motion and motion
§ 93B:2 —Memorandum
§ 93B:3 —Declaration
§ 93B:4 —*[Proposed]* order

CHAPTER 94. SAMPLE MOTION TO CONTINUE ARBITRATION

§ 94:1 Sample motion to continue arbitration—Notice of motion and motion
§ 94:2 —Memorandum
§ 94:3 —Declaration
§ 94:4 —*[Proposed]* order

CHAPTER 94A. SAMPLE MOTION TO CONTINUE ARBITRATION (UNAVAILABILITY OF ESSENTIAL WITNESS)—NOTICE OF MOTION AND MOTION

§ 94A:1 Sample motion to continue arbitration (unavailability of essential witness)—Notice of motion and motion
§ 94A:2 —Memorandum
§ 94A:3 —Declaration

§ 94A:4 —*[Proposed]* order

CHAPTER 94B. MOTION TO CONTINUE ARBITRATION: UNAVAILABILITY OF COUNSEL

§ 94B:1 Motion to Continue Arbitration: Unavailability of Counsel

CHAPTER 94C. MOTION TO CONTINUE ARBITRATION—SUBTITUTION OF ATTORNEY

§ 94C:1 Motion to continue arbitration—Subtitution of Attorney

CHAPTER 95. SAMPLE PETITION TO CONFIRM ARBITRATION AWARD

§ 95:1 Sample petition to confirm arbitration award—Notice of hearing on petition
§ 95:2 —Petition
§ 95:3 —Memorandum
§ 95:4 —*[Proposed]* order

CHAPTER 96. SAMPLE PETITION TO CORRECT ARBITRATION AWARD

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

CHAPTER 97. SAMPLE PETITION TO VACATE ARBITRATION AWARD

§ 97:1 Sample petition to vacate arbitration award—Notice of hearing on petition
§ 97:2 —Petition
§ 97:3 —Memorandum
§ 97:4 —*[Proposed]* order

CHAPTER 97A. SAMPLE MOTION FOR VACATING ARBITRATION AWARD: DENIAL OF CONTINUANCE

§ 97A:1 Sample motion for vacating arbitration award: denial of continuance—Notice of hearing on petition
§ 97A:2 —Petition for order vacating arbitration award

§ 97A:3 —Memorandum
§ 97A:4 —*[Proposed]* order

CHAPTER 97B. MOTION TO EXEMPT CASE FROM JUDICIAL ARBITRATION

§ 97B:1 Sample motion to exempt case from judicial arbitration—Motion to remove case from judicial arbitration
§ 97B:2 —Memorandum
§ 97B:3 —Declaration
§ 97B:4 —*[Proposed]* order

CHAPTER 97C. MOTION TO EXEMPT CASE FROM JUDICIAL ARBITRATION—CASES INCLUDING PRAYER FOR EQUITABLE RELIEF

§ 97C:1 Motion to Exempt Case from Judicial Arbitration—Cases Including Prayer for Equitable Relief

CHAPTER 97D. MOTION TO EXEMPT CASE FROM JUDICIAL ARBITRATION—SMALL CLAIMS/TRIAL DE NOVO ON APPEAL FROM SMALL CLAIMS

§ 97D:1 Motion to exempt case from judicial arbitration—Small claims/trial de novo on appeal from small claims

CHAPTER 97E. PETITION TO VACATE ARB AWARD—RIGHTS OF PARTY PREJUDICED BY MISCONDUCT OF ARBITRATOR

§ 97E:1 Petition to Vacate Arb Award—Rights of Party Prejudiced by Misconduct of Arbitrator

CHAPTER 97F. SAMPLE PETITION FOR ORDER CONSOLIDATING SEPARATE ARBITRATION PROCEEDINGS

§ 97F:1 Sample petition for order consolidating separate arbitration proceedings—Notice of hearing on petition
§ 97F:2 —Petition
§ 97F:3 —Memorandum
§ 97F:4 —[Proposed] order

PART X. TRIAL AND POST-TRIAL MOTIONS

CHAPTER 98. SAMPLE MOTION FOR TRIAL SETTING PREFERENCE

§ 98:1 Sample motion for trial setting preference—Notice of motion and motion
§ 98:2 —Memorandum
§ 98:3 —Attorney declaration
§ 98:4 —Party declaration
§ 98:5 —*[Proposed]* order

CHAPTER 98A. MOTION TO ADVANCE TRIAL DATE

§ 98A:1 Motion to Advance Trial Date

CHAPTER 99. SAMPLE MOTION FOR ORDER GRANTING RELIEF FROM WAIVER OF JURY TRIAL

§ 99:1 Sample Motion for Order Granting Relief From Waiver of Jury Trial—Notice of Motion and Motion
§ 99:2 —Memorandum
§ 99:3 —Declaration
§ 99:4 —[Proposed] Order

CHAPTER 100. SAMPLE MOTION FOR ORDER GRANTING LEAVE TO AMEND COMPLAINT TO CONFORM TO PROOF AT TRIAL

§ 100:1 Sample Motion for Order Granting Leave to Amend Complaint to Conform to Proof at Trial—Notice of Motion and Motion
§ 100:2 —Memorandum
§ 100:3 —Declaration
§ 100:4 Sample Motion for Order Granting Leave to Amend the Complaint to Conform to Proof at Trial—[Proposed] Order

CHAPTER 101. SAMPLE MOTION FOR NONSUIT

§ 101:1 Sample motion for nonsuit—Notice of motion and motion
§ 101:2 —Memorandum

§ 101:3 —Declaration
§ 101:4 —[Proposed] order

CHAPTER 101A. MOTION FOR NONSUIT—SOME BUT NOT ALL ISSUES

§ 101A:1 Motion for nonsuit—Some but not all issues

CHAPTER 101B. MOTION FOR JUDGMENT PURSUANT TO CCP 631.8

§ 101B:1 Motion for Judgment Pursuant to CCP 631.8

CHAPTER 102. SAMPLE MOTION FOR DIRECTED VERDICT

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

CHAPTER 103. SAMPLE MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT

§ 103:1 Sample motion for judgment notwithstanding the verdict—Notice of motion and motion
§ 103:2 —Memorandum
§ 103:3 —Declaration
§ 103:4 —[Proposed] order

CHAPTER 104. SAMPLE MOTION FOR NEW TRIAL

§ 104:1 Sample motion for new trial—Notice of motion and motion
§ 104:2 —Memorandum
§ 104:3 —Declaration
§ 104:4 —*[Proposed]* order

CHAPTER 104A. MOTION FOR NEW TRIAL—IRREGULARITY IN PROCEEDINGS

§ 104A:1 Motion for new trial—Irregularity in proceedings

CHAPTER 104B. SAMPLE MOTION FOR NEW TRIAL (ACCIDENT/SURPRISE)

§ 104B:1 Sample motion for new trial

(accident/surprise)—Notice of motion and motion
§ 104B:2 —Memorandum
§ 104B:3 —Declaration
§ 104B:4 —*[Proposed]* order

CHAPTER 104C. SAMPLE MOTION FOR NEW TRIAL (NEWLY DISCOVERED EVIDENCE)

§ 104C:1 Sample motion for new trial (newly discovered evidence)—Notice of motion and motion
§ 104C:2 —Memorandum
§ 104C:3 —Declaration
§ 104C:4 —[Proposed] order

CHAPTER 104D. SAMPLE MOTION FOR ADDITUR

§ 104D:1 Sample motion for additur—Notice of motion for a new trial
§ 104D:2 —Memorandum
§ 104D:3 —Declaration
§ 104D:4 —*[Proposed]* conditional order

CHAPTER 104E. SAMPLE MOTION FOR REMITTITUR

§ 104E:1 Sample motion for remittitur—Notice of motion for a new trial
§ 104E:2 —Memorandum
§ 104E:3 —Declaration
§ 104E:4 —*[Proposed]* conditional order

CHAPTER 104F. MOTION FOR NEW TRIAL—INSUFFICIENT EVIDENCE

§ 104F:1 Motion for New Trial—Insufficient Evidence

CHAPTER 105. SAMPLE MOTION TO VACATE JUDGMENT

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

CHAPTER 106. SAMPLE MOTION TO AMEND JUDGMENT

§ 106:1 Sample motion to amend judgment—Notice of intention and motion
§ 106:2 —Memorandum
§ 106:3 —Declaration
§ 106:4 —*[Proposed]* Order

CHAPTER 106A. SAMPLE MOTION FOR TEMPORARY STAY OF ENFORCEMENT OF JUDGMENT

§ 106A:1 Sample motion for temporary stay of enforcement of judgment—Notice of motion and motion
§ 106A:2 —Memorandum
§ 106A:3 —Declaration
§ 106A:4 —*[Proposed]* order

CHAPTER 106B. MOTION TO STAY ENFORCEMENT—ANOTHER ACTION PENDING

§ 106B:1 Motion to Stay Enforcement—Another Action Pending

CHAPTER 106C. SAMPLE MOTION FOR CONTRIBUTION

§ 106C:1 Sample motion for contribution—Notice of motion
§ 106C:2 —Memorandum
§ 106C:3 —Declaration
§ 106C:4 —[Proposed] order

CHAPTER 107. MOTION IN LIMINE

§ 107:1 Motion in limine—Notice of motion and motion
§ 107:2 —Memorandum
§ 107:3 —*[Proposed]* order

CHAPTER 108. MOTION FOR ORDER TO SET MANDATORY SETTLEMENT CONFERENCE

§ 108:1 Sample motion for order to set mandatory settlement conference—Notice of motion and motion
§ 108:2 —Memorandum
§ 108:3 —Declaration

§ 108:4 —*[Proposed]* Order

CHAPTER 108A. MOTION TO BE EXCUSED FROM MANDATORY SETTLEMENT CONFERENCE

§ 108A:1 Motion to be Excused from Mandatory Settlement Conference

CHAPTER 109. MOTION FOR ORDER FOR VIEW BY TRIER OF FACT

§ 109:1 Sample motion for order for view by trier of fact—Notice of motion and motion

§ 109:2 —Memorandum

§ 109:3 —Declaration

§ 109:4 —*[Proposed]* Order

CHAPTER 109A. SAMPLE MOTION TO EXCLUDE NON-PARTY WITNESS FROM COURTROOM

§ 109A:1 Sample motion to exclude non-party witness from courtroom—Notice of motion

§ 109A:2 —Memorandum

§ 109A:3 —Declaration

§ 109A:4 —[Proposed] order

CHAPTER 110. APPLICATION FOR RENEWAL OF JUDGMENT

§ 110:1 Sample application for renewal of judgment—Notice of motion and motion

§ 110:2 —Memorandum

CHAPTER 111. MOTION FOR ORDER VACATING RENEWAL OF JUDGMENT

§ 111:1 Sample motion for order vacating renewal of judgment—Notice of motion and motion

§ 111:2 —Memorandum

§ 111:3 —Declaration

§ 111:4 —*[Proposed]* Order

CHAPTER 112. MOTION TO TRANSFER TO APPELLATE COURT

§ 112:1 Motion to Transfer to Appellate Court

CHAPTER 113. MOTION TO MODIFY/ DISSOLVE FINAL INJUNCTION

§ 113:1 Motion to modify/dissolve final injunction

Table of Laws and Rules

Table of Cases

Index