

Research Guide: What is a Motion?

Law Library for San Bernardino County

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What is a Motion?

A motion is a request by a party for a court order. See [California Code of Civil Procedure § 1003](#)

What are the Different Types of Motions?

Typical or General Motions (also referred to as Regular Motionsⁱ)

Ex Parte Applications

Motions to Strike

Demurrers

Motions for Summary Judgment and Summary Adjudication

Typical or General Motions

A typical motion contains the following parts:

Notification of Motion: The notice informs the court and the parties of your motion, including the nature, grounds, the requested order, and the place and time of the hearing.ⁱⁱ

Memorandum of Points and Authorities: The memorandum must be filed with the notice of motion or the court will consider the motion to be without merit. See [C.R.C., 3.1113 \(a\)](#). The memorandum provides the grounds for the motion and presents the party's argument.ⁱⁱⁱ

Declarations: A declaration is a part of the motion that allows the party to state facts supporting the motion and authenticates the exhibits. Declarations are signed under penalty of perjury by someone who has personal knowledge of the facts stated in the declaration.^{iv}

Evidentiary materials and Orders: Discovery materials are not routinely filed with motions. See [Code of Civil Procedure §2025.550](#). Proposed orders are no longer required to be filled with the notice of motion but are routinely done so. See [C.R.C., 3.20](#) and [3.1113\(m\)](#).

Proof of Service: The other party must be notified of the motion. Follow the instructions listed in [Code of Civil Procedure §1013^a\(1\)](#).^v The Sacramento County Law Library has prepared step by step instructions for service of papers by mail. Located online at www.saclaw.org or linked on www.sblawlibrary.org under research guides.

General Rules for Regular (Typical/General) Motions

(Reproduced from *Litigation by the Numbers*)

Last day to hear non-expert discovery motion C.C.P. § 2024.020	15 days before the initial trial date
Last day to hear expert discovery motion C.C.P. § 2040.030	10 days before the initial trial date
Notice and motion must be filed and served C.C.P., §§ 1005(b) and 12c	At least 16 court days before the hearing (counting backward from the hearing date)
Opposition must be filed and served C.C.P., §§ 1005(b) and 12c	At least 9 court days before the hearing (counting backward from the hearing date)
Reply must be filed and served C.C.P., §§ 1005(b) and 12c	At least 15 court days before the hearing (counting backward from the hearing date)
Limit on length of opening/opposing P's and A's C.R.C., Rule 3.1113.(d)	15 pages
Limit on length of reply P's and A's C.R.C., Rule 3.1113(d)	10 pages
Separate statement required C.R.C., Rule 3.1345	Motion to compel further answers

Resource Guides for Motions at the San Bernardino County Law Library

- *Litigation by the Numbers*, Julie Goren. KFC995.G6722, only available at the San Bernardino Branch.
- *California Law and Motion Authorities for Civil Cases*, Rutter Group, KFC1012.C762, available at all branches.
- *California Forms of Pleading and Practice*, Matthew Bender, KFC1010.A65 C3, available at all branches.
- *California Points and Authorities*, Matthew Bender, KFC1010.C34, available at all branches.
- *Younger on California Motions*, KFC1012.Y68, available at all branches.

ⁱ Goren, *Litigation by the Numbers* (4.a ed., 2011)

ⁱⁱ *id.* p. 6-8.

ⁱⁱⁱ Younger, *On California Motions* (2010-2011) p. 24.

^{iv} *id.*, Goren, p. 6-18.

^v *id.*, Younger, p. 35.