

Rule 3.1110. General format

(a) Notice of motion

A notice of motion must state in the opening paragraph the nature of the order being sought and the grounds for issuance of the order.

(Subd (a) amended effective January 1, 2007.)

(b) Date of hearing and other information

The first page of each paper must specify immediately below the number of the case:

- (1) The date, time, and location, if ascertainable, of any scheduled hearing and the name of the hearing judge, if ascertainable;
- (2) The nature or title of any attached document other than an exhibit;
- (3) The date of filing of the action; and
- (4) The trial date, if set.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 1997.)

(c) Pagination of documents

Documents bound together must be consecutively paginated.

(Subd (c) amended and lettered effective January 1, 2007; adopted as part of subd (b).)

(d) Reference to previously filed papers

Any paper previously filed must be referred to by date of execution and title.

(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c).)

(e) Binding

All pages of each document and exhibit must be attached together at the top by a method that permits pages to be easily turned and the entire content of each page to be read.

(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d) effective July 1, 1997.)

(f) Format of exhibits

Each exhibit must be separated by a hard 8 1/2 x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation. An index to exhibits must be provided. Pages from a single deposition and associated exhibits must be designated as a single exhibit.

(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e) effective July 1, 1997.)

(g) Translation of exhibits

Exhibits written in a foreign language must be accompanied by an English translation, certified under oath by a qualified interpreter.

(Subd (g) amended and lettered effective January 1, 2007; adopted as part of subd (e) effective July 1, 1997.)

Rule 3.1110 amended and renumbered effective January 1, 2007; adopted as rule 311 effective January 1, 1984; previously amended effective July 1, 1997.

[\[Back to Top \]](#)

Rule 3.1112. Motions-and other pleadings

(a) Motions required papers

Unless otherwise provided by the rules in this division, the papers filed in support of a motion must consist of at least the following:

- (1) A notice of hearing on the motion;
- (2) The motion itself; and
- (3) A memorandum in support of the motion or demurrer.

(Subd (a) amended effective January 1, 2007.)

(b) Other papers

Other papers may be filed in support of a motion, including declarations, exhibits, appendices, and other documents or pleadings.

(Subd (b) adopted effective January 1, 2007.)

(c) Form of motion papers

The papers filed under (a) and (b) may either be filed as separate documents or combined in one or more documents if the party filing a combined pleading specifies these items separately in the caption of the combined pleading.

(Subd (c) amended and lettered effective January 1, 2007 adopted as part of subd (a).)

(d) Motion-required elements

A motion must:

- (1) Identify the party or parties bringing the motion;
- (2) Name the parties to whom it is addressed;
- (3) Briefly state the basis for the motion and the relief sought; and
- (4) If a pleading is challenged, state the specific portion challenged.

(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (b).)

(e) Additional requirements for motions

In addition to the requirements of this rule, a motion relating to the subjects specified in chapter 6 of this division must comply with any additional requirements in that chapter.

(Subd (e) amended effective July 1, 2008; previously amended effective January 1, 2007.)

(f) Motion in limine

Notwithstanding (a), a motion in limine filed before or during trial need not be accompanied by a notice of hearing. The timing and place of the filing and service of the motion are at the discretion of the trial judge.

(Subd (f) adopted effective January 1, 2007.)

Rule 3.1112 amended effective July 1, 2008; adopted as rule 312 effective July 1, 1997; previously amended and renumbered effective January 1, 2007.

[\[Back to Top \]](#)

Rule 3.1113. Memorandum

(a) Memorandum in support of motion

A party filing a motion, except for a motion listed in rule 3.1114, must serve and file a supporting memorandum. The court may construe the absence of a memorandum as an admission that the motion or special demurrer is not meritorious and cause for its denial and, in the case of a demurrer, as a waiver of all grounds not supported.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(b) Contents of memorandum

The memorandum must contain a statement of facts, a concise statement of the law, evidence and arguments relied on, and a discussion of the statutes, cases, and textbooks cited in support of the position advanced.

(Subd (b) amended effective January 1, 2004.)

(c) Case citation format

A case citation must include the official report volume and page number and year of decision. The court must not require any other form of citation.

(Subd (c) amended effective January 1, 2007; previously amended effective July 1, 1984, January 1, 1992, and January 1, 2004.)

(d) Length of memorandum

Except in a summary judgment or summary adjudication motion, no opening or responding memorandum may exceed 15 pages. In a summary judgment or summary adjudication motion, no opening or responding memorandum may exceed 20 pages. No reply or closing memorandum may exceed 10 pages. The page limit does not include exhibits, declarations, attachments, the table of contents, the table of authorities, or the proof of service.

(Subd (d) amended effective January 1, 2004; adopted as part of a longer subd (d); previously amended effective July 1, 1984, and January 1, 1992.)

(e) Application to file longer memorandum

A party may apply to the court ex parte but with written notice of the application to the other parties, at least 24 hours before the memorandum is due, for permission to file a longer memorandum. The application must state reasons why the argument cannot be made within the stated limit.

(Subd (e) amended and relettered effective January 1, 2004; adopted as part of subd (d).)

(f) Format of longer memorandum

A memorandum that exceeds 10 pages must include a table of contents and a table of authorities. A memorandum that exceeds 15 pages must also include an opening summary of argument.

(Subd (f) amended and lettered effective January 1, 2007; adopted as part of subd (d); subd (d) previously amended and relettered as subd (e) effective January 1, 2004)

(g) Effect of filing an oversized memorandum

A memorandum that exceeds the page limits of these rules must be filed and considered in the same manner as a late-filed paper.

(Subd (g) amended and lettered effective January 1, 2007; adopted as part of subd (d); previously amended and relettered as subd (e) effective January 1, 2004.)

(h) Pagination of memorandum

Notwithstanding any other rule, a memorandum that includes a table of contents and a table of authorities must be paginated as follows:

- (1) The caption page or pages must not be numbered;
- (2) The pages of the tables must be numbered consecutively using lower-case roman numerals starting on the first page of the tables; and
- (3) The pages of the text must be numbered consecutively using Arabic numerals starting on the first page of the text.

(Subd (h) amended and relettered effective January 1, 2007; adopted as subd (e) effective July 1, 2000; previously amended and relettered as subd (f) effective January 1, 2004.)

(i) Copies of authorities

- (1) A judge may require that if any authority other than California cases, statutes, constitutional provisions, or state or local rules is cited, a copy of the authority must be lodged with the papers that cite the authority and tabbed as required by rule 3.1110(f).
- (2) If a California case is cited before the time it is published in the advance sheets of the Official Reports, the party must include the title, case number, date of decision, and, if from the Court of Appeal, district of the Court of Appeal in which the case was decided. A judge may require that a copy of that case must be lodged and tabbed as required by rule 3.1110(f).

- (3) Upon the request of a party to the action, any party citing any authority other than California cases, statutes, constitutional provisions, or state or local rules must promptly provide a copy of such authority to the requesting party.

(Subd (i) amended effective July 1, 2011; adopted as part of subd (e) effective January 1, 1992; previously amended effective July 1, 1997; previously amended and relettered as subd (h) effective January 1, 2004, and as subd (j) effective January 1, 2007; previously relettered as part of subd (f) effective July 1, 2000, and as subd. (i) effective January 1, 2008.)

(j) Attachments

To the extent practicable, all supporting memorandums and declarations must be attached to the notice of motion.

(Subd (j) relettered effective January 1, 2008; adopted as subd (f) effective July 1, 1997; previously relettered as subd (g) effective July 1, 2000; previously amended and relettered as subd (i) effective January 1, 2004, and as subd (k) effective January 1, 2007.)

(k) Exhibit references

All references to exhibits or declarations in supporting or opposing papers must reference the number or letter of the exhibit, the specific page, and, if applicable, the paragraph or line number.

(Subd (k) relettered effective January 1, 2008; adopted as subd (g) effective July 1, 1997; previously relettered as subd (h) effective July 1, 2000, and as subd (l) effective January 1, 2007; previously amended and relettered as subd (j) effective January 1, 2004.)

(l) Requests for judicial notice

Any request for judicial notice must be made in a separate document listing the specific items for which notice is requested and must comply with rule 3.1306(c).

(Subd (l) relettered effective January 1, 2008; adopted as subd (h) effective July 1, 1997; relettered as subd (i) effective July 1, 2000; previously amended effective January 1, 2003; previously amended and relettered as subd (k) effective January 1, 2004, and as subd (m) effective January 1, 2007.)

(m) Proposed orders or judgments

If a proposed order or judgment is submitted, it must be lodged and served with the moving papers but must not be attached to them.

Rule 3.1115. Declarations

The caption of a declaration must state the name of the declarant and must specifically identify the motion or other proceeding that it supports or opposes.

Rule 3.1115 amended and renumbered effective January 1, 2007; adopted as rule 315 effective January 1, 1984.

[\[Back to Top \]](#)