

# **Index of Law & Motion Workshop Handouts**

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Website for more Ventura Superior Court motions:

<http://www.ventura.courts.ca.gov/venturaMasterFrames14.htm>

1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 **IN SUPPORT OF MOTION TO SET ASIDE DEFAULT**

3 Code of Civil Procedure Section 473.5 allows a Court to set aside a default  
4 judgment when service of a summons has not resulted in actual notice to a party in  
5 time to defend the action. This type of motion shall be served and filed within a  
6 reasonable time, but in no event exceeding the earlier of: (i) two years after entry of a  
7 default judgment against him or her; or (ii) 180 days after service on him or her of a  
8 written notice that the default or default judgment has been entered. (Code Civ. Proc.,  
9 §473.5(a).)

10  
11 The Motion “shall be accompanied by an affidavit showing under oath that the  
12 party's lack of actual notice in time to defend the action was not caused by his or her  
13 avoidance of service or inexcusable neglect. The party shall serve and file with the  
14 notice a copy of the answer, motion, or other pleading proposed to be filed in the  
15 action.” (Code Civ. Proc., §473.5(b).)

16  
17 Here, the Respondent requests that the Court set aside the default and default  
18 judgment entered, and allow the filing of the Response. As explained in the attached  
19 declaration, Respondent was unable to defend the case due to lack of service.  
20 Contrary to the Proof of Service of Summons filed in this action, Respondent was not  
21 served. (See Declaration) Respondent would like the opportunity to have all the  
22 issues decided with the Court’s assistance.  
23

24  
25 Date \_\_\_\_\_  
26 \_\_\_\_\_  
27 Respondent’s Signature

1 Name: \_\_\_\_\_

2 Address: \_\_\_\_\_

3 Telephone: \_\_\_\_\_

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

9 \_\_\_\_\_ DISTRICT

12 : Case NO.

13 :

13 : OPPOSITION TO MOTION TO SET ASIDE THE

14 :

14 Pe t i t i o n e r

14 : \_\_\_\_\_;

14 : Declaration of \_\_\_\_\_.

15 v

15 :

15 : DATE

16 : TIME

16 : DEPT

16 R e s p o n d e n t

17 :

17 :

18 The Court should deny the motion to set aside because this motion is not supported  
19 by any sufficient ground under Code of Civil Procedure Section 473(b), and therefore the  
20 Court has no discretion to grant relief.

21 A motion under Code of Civil Procedure Section 473(b) is addressed to the sound  
22 discretion of the trial court. (*Iott v. Franklin* (1988) 206 Cal. App. 3d 521, 527). If the  
23 moving party fails to show that a judgment has been taken against him or her through  
24 mistake, inadvertence, surprise, or excusable neglect, the court may not grant relief; it has  
25 no discretion in the matter ( *Id.* at 528.)

Opposition to Motion to Set Aside - 1

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

1 Here, as explained in the attached declaration, the moving party fails to meet the  
2 burden of proof because: [check all that apply]

3 1) \_\_\_ The mistake, inadvertence, or surprise that justifies a court in setting aside a  
4 default under Code of Civil Procedure Section 473(b) must be reasonable. (*Cyrus v.*  
5 *Haveson* (1976) 65 Cal. App. 3d 306, 315.)

6 2) \_\_\_ An application for relief from a judgment, dismissal, order, or other proceeding  
7 taken against a party through his or her mistake, inadvertence, surprise, or  
8 excusable neglect must be made within a reasonable time, not exceeding six  
9 months, after the judgment, dismissal, order, or proceeding was taken. (Code Civ.  
10 Proc., §473(b).)

11 3) \_\_\_ Mere mistake, inadvertence, or neglect does not warrant relief under Code of  
12 Civil Procedure Section 473(b) unless, on a consideration of all the evidence, it is  
13 found to be excusable. (*Martin v. Taylor* (1968) 267 Cal.App.2d 112, 113.)

14 4) \_\_\_ Other legal reason: \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 Re s p e c t f u l l y ,

19 Date d : \_\_\_\_\_ [sig na ture ]

20 \_\_\_\_\_ [p rint na me ]

21  
22  
23  
24  
25

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <span style="float:right">Telephone Number</span>   ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <span style="float:right"><input type="checkbox"/> LIMITED CIVIL CASE</span> <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>NOTICE OF MOTION AND MOTION FOR ORDER</b>  <input type="checkbox"/> SETTING ASIDE DEFAULT <input type="checkbox"/> VACATING DEFAULT JUDGMENT <input type="checkbox"/> STAYING EXECUTION OF JUDGMENT <input type="checkbox"/> EXPARTE	CASE NUMBER: _____  HEARING DATE: _____ TIME: _____ COURTROOM: _____ COMPLAINT DATE: _____

**MOTION FOR ORDER SETTING ASIDE DEFAULT/VACATING DEFAULT JUDGMENT**

1. Defendant \_\_\_\_\_ does hereby move the court, pursuant to Section 473 of Code of Civil Procedure, for an order:
  - setting aside the default entered in this action on \_\_\_\_\_
  - vacating default judgment entered in this action on \_\_\_\_\_
  
2. Defendant further moves for an order permitting defendant to:
  - file an Answer, a true and correct copy of which is attached to this motion and incorporated by reference.
  - appear at a trial on the merits.
  
3. This motion is brought because  default  default judgment was/were taken against defendant:
  - Defendant was mistaken as to some material fact or law relating to defendant’s duty to respond.
  - Through inadvertence and/or oversight defendant failed to timely respond.
  - Defendant was prevented from responding due to an unexpected condition or situation which arose, without any default or negligence on his /her part, and which ordinary care could not have prevented.
  - Other \_\_\_\_\_
  
4. Defendant possesses a meritorious defense against the unlawful detainer or other civil action.

Short Title:	Case Number:
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**MOTION FOR ORDER STAYING EXECUTION**

5. Defendant, \_\_\_\_\_, respectfully applies under Section 918 of the Code of Civil Procedure, for an order from this court directed to the Sheriff of Ventura County, to plaintiff, and to any other persons acting on behalf of or together with plaintiff, staying execution of the judgment entered in this action on the grounds that:
- Defendant would suffer hardship if the judgment were to be executed at this time.
  - The judgment may be set aside or modified as requested in defendant’s motion to vacate default judgment.
  - The judgment may be set aside or modified in accordance with defendant’s motion for a new trial.
  - The judgment may be set aside or modified in accordance with defendant’s motion for judgment notwithstanding the verdict.
  - The judgment may be set aside or modified in accordance with defendant’s motion for relief from forfeiture and restoration of the tenancy under Section 1179 of the Code of Civil Procedure.
6. The motion filed above is filed with this application, and is now pending before this Court.

**DECLARATION**

7. I am the defendant in this action. I am asking the court to set aside  default  default judgment in this case.
8. I did not  file a response to the summons and complaint  appear at the trial in the case because  I did not receive the summons and complaint until \_\_\_\_\_ .  
 I was unable to come to the court because of the following medical emergency:

\_\_\_\_\_  
\_\_\_\_\_

Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. I have the following defense to  eviction  civil complaint for damages

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name and Address</i> ).   ATTORNEY FOR ( <i>Name</i> ):	TELEPHONE NO.:	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b> <input type="checkbox"/> 800 SOUTH VICTORIA AVE., VENTURA CA. 93009 <input type="checkbox"/> 3855 - F ALAMO ST., SIMI VALLEY, CA. 93063-2110		<input type="checkbox"/> LIMITED CIVIL
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:		CASE NUMBER:
<b>MOTION FOR PAYMENT OF JUDGMENT BY INSTALLMENTS</b>		Date: _____ Time: _____ Courtroom: _____

NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, at \_\_\_\_\_  a.m.  p.m. or as soon thereafter as the matter may be heard, in Courtroom \_\_\_\_\_ of the above-captioned court, defendant \_\_\_\_\_ shall move the court for an order permitting payment of the judgment in the within action to be paid in installments.

This motion is made pursuant to:  California Code of Civil Procedure Section 582.5  
 California Vehicle Code sections 16379 and 16380.

on the grounds that the defendant  does not have the means to pay the judgment in this action.  
 is severely restricted in finding employment without the ability to drive.

Facts supporting this motion are set forth in the following declaration.

Judgment debtor requests a payment schedule as follows:

\_\_\_\_\_ dollars (\$ \_\_\_\_\_) per month commencing on \_\_\_\_\_ and \$ \_\_\_\_\_ each succeeding month thereafter until the entire \$ \_\_\_\_\_ judgment amount is paid in full.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (Signature of Defendant)

\_\_\_\_\_  
 (Type or Print Name)

**DECLARATION**

I, \_\_\_\_\_, declare as follows:

1. I am the judgment debtor in this action. I am a resident of the County of \_\_\_\_\_, State of California.  
 I have personal knowledge of the following facts and if called upon to testify, I could and would give competent testimony to the facts stated in this declaration.
2. On or about \_\_\_\_\_, I was involved in a motor vehicle accident. At the time of the accident I did not have insurance to cover me for liability resulting from the accident.

Short Title:	Case Number:
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Other (describe) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. On or about \_\_\_\_\_, a judgment was entered against me in this case in the sum of \$ \_\_\_\_\_ in damages and \$ \_\_\_\_\_ in costs; and that the total amount of the judgment is \$ \_\_\_\_\_.

4. I am not able to pay the judgment because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. As a result of the judgment against me in this case:  
 my driver's license has been suspended. I am unable to work without a driver's license because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Other (describe) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. In order to  get my driver's license reinstated, I must arrange for a payment schedule which I can reasonably meet.  
 Other (describe) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. My monthly income is \$ \_\_\_\_\_. I have \_\_\_\_\_ persons living in my household whom I support. Proof of my income is attached to this declaration as Exhibit "A". My completed financial statement is attached to this declaration as Exhibit "B". I believe I can make payments of \$ \_\_\_\_\_ per month commencing on \_\_\_\_\_.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, at \_\_\_\_\_ California.

\_\_\_\_\_  
 Type or Print Name

\_\_\_\_\_  
 Signature of Defendant





ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>name and Address</i> ):  ATTORNEY FOR ( <i>Name</i> ):	PHONE NO.:	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b> <input type="checkbox"/> LIMITED CIVIL CASE		
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
<input type="checkbox"/> <b>NOTICED MOTION TO EXCLUDE EVIDENCE (CCP 454)</b> <input type="checkbox"/> <b>MOTION IN LIMINE (CRC 3.1112(f))</b>		CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_  
 Trial Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_  
 Date of Filing Complaint: \_\_\_\_\_

**SUMMARY OF RELEVANT FACTS**

1. The factual issues in dispute in this case to which this motion is directed are as follows:

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**REQUEST TO EXCLUDE EVIDENCE AND LEGAL AUTHORITY FOR EXCLUSION**

2.  Plaintiff  Defendant \_\_\_\_\_, requests that the following evidence be excluded:

*(Your Name)*

Evidence of money allegedly owed by defendant to plaintiff. Defendant served plaintiff with a Demand for Specific Statement of Account (Bill of Particulars) on \_\_\_\_\_, but plaintiff did not provide any response. Under Code of Civil Procedure section 454, and the holding in Vassere v. Joerger, 10 Cal.2d 689, 76 P.2d 656 (1983), the court has the authority to preclude plaintiff from presenting evidence of the alleged debt.

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Evidence of \_\_\_\_\_

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Legal authority for excluding the evidence described above:

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Dated: \_\_\_\_\_

*(Type or print your name)*

DECLARATION

3. I, \_\_\_\_\_, am the [ ] Plaintiff [ ] Defendant.  
*(Your Name)*

4. On \_\_\_\_\_ I served the [ ] Plaintiff [ ] Defendant with a  
*(Date Demand Was Served)*  
Demand for Specific Statement of Account (Bill of Particulars), a true and correct copy of which is attached to this motion as Exhibit "A." I received no response to the demand.

5. On \_\_\_\_\_ I sent the [ ] Plaintiff [ ] Defendant a letter  
*(Date Letter Was Sent)*  
informing him/her of my intention to bring this motion to exclude evidence. A true and correct copy of my letter is attached to this motion as Exhibit "B."

I declare under penalty of perjury under California law that the foregoing is true and correct.

Signed on \_\_\_\_\_ at \_\_\_\_\_.  
*(Today's Date)* *(City and State where you are signing)*

\_\_\_\_\_  
*(Sign your name)*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <span style="float: right;">Telephone Number</span>  <input type="checkbox"/> ATTORNEY FOR (Name): <span style="margin-left: 150px;"><input type="checkbox"/> PLAINTIFF</span> <span style="margin-left: 50px;"><input type="checkbox"/> DEFENDANT</span> <span style="margin-left: 50px;"><input type="checkbox"/> SELF-REPRESENTED</span>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <span style="float: right;"><input type="checkbox"/> Limited Civil Case</span> <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110	
PLAINTIFF/PETITIONER  DEFENDANT/RESPONDENT	
<b>NOTICE OF MOTION &amp; MOTION FOR ASSIGNMENT ORDER &amp; MEMORANDUM OF POINTS &amp; AUTHORITIES</b>	CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

**NOTICE OF MOTION AND MOTION FOR ASSIGNMENT ORDER TO THE JUDGMENT DEBTOR AND TO ANY ATTORNEY OF RECORD FOR THE JUDGMENT DEBTOR:**

NOTICE IS HEREBY GIVEN that at the hearing date noted above, \_\_\_\_\_, Judgment Creditor, will move the court for an order instructing \_\_\_\_\_, Judgment Debtor, to assign to her the Judgment Debtor’s interest in and all rights to payment under the following assets to the extent necessary to satisfy the judgment:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_

This motion is made on the grounds that:

- a. The judgment creditor has a judgment against the judgment debtor.
- b. The balance due on this judgment is \$ \_\_\_\_\_ plus post-judgment costs and accrued interest; and

Short Title	Case Number
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c. The judgment debtor has an assignable right to the payments described above.

This motion will be based on this Notice of Motion and Motion, the Declaration of Judgment Creditor, the Memorandum of Points and Authorities and the records and file of this action.

MEMORANDUM OF POINTS & AUTHORITIES

The judgment creditor’s motion for an Assignment Order seeks an assignment of the categories of payment due the judgment debtor, as described in the Declaration of Judgment Creditor.

Under Code of Civil Procedure Section 708.510, the court is authorized to order all or part of a judgment debtor’s right to payment due, or to be come due, assigned to the judgment creditor. This assignment may be ordered to the extent necessary to satisfy the money judgment. Accordingly, Judgment Creditor requests that the court issue an Assignment Order and that the assignment made under this order continue until the judgment specified in Judgment Creditor’s Declaration, plus post-judgment costs and accrued interest is fully satisfied.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 (Printed Name)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <span style="float: right;">Telephone Number</span>  <input type="checkbox"/> ATTORNEY FOR (Name): <span style="margin-left: 150px;"><input type="checkbox"/> PLAINTIFF</span> <span style="margin-left: 50px;"><input type="checkbox"/> DEFENDANT</span> <span style="margin-left: 50px;"><input type="checkbox"/> SELF-REPRESENTED</span>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <span style="float: right;"><input type="checkbox"/> Limited</span> Civil Case <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110	
PLAINTIFF/PETITIONER  DEFENDANT/RESPONDENT	
<b>DECLARATION OF JUDGMENT CREDITOR IN SUPPORT OF MOTION FOR ASSIGNMENT ORDER</b>	CASE NUMBER:

I, \_\_\_\_\_, declare as follows:

1. I obtained a judgment against \_\_\_\_\_, Judgment Debtor, from the Ventura County Superior Court.

2. The balance due on this judgment is \$\_\_\_\_\_ plus post-judgment costs and accrued interest.

3. I am informed and believe that the judgment debtor is entitled to receive or will be entitled to receive the following payments:

a. \_\_\_\_\_

\_\_\_\_\_

b. \_\_\_\_\_

\_\_\_\_\_

c. \_\_\_\_\_

\_\_\_\_\_

d. \_\_\_\_\_

\_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <span style="float: right;">Telephone Number</span>  <input type="checkbox"/> ATTORNEY FOR (Name): <span style="margin-left: 150px;"><input type="checkbox"/> PLAINTIFF</span> <span style="margin-left: 50px;"><input type="checkbox"/> DEFENDANT</span> <span style="margin-left: 50px;"><input type="checkbox"/> SELF-REPRESENTED</span>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <span style="float: right;"><input type="checkbox"/> Limited</span> Civil Case <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110	
PLAINTIFF/PETITIONER  DEFENDANT/RESPONDENT	
<b>ORDER ON JUDGMENT CREDITOR’S MOTION FOR ASSIGNMENT</b>	CASE NUMBER:

On \_\_\_\_\_, the Court granted the motion of Judgment Creditor for Assignment Order. The court ordered that the Judgment Debtor, \_\_\_\_\_, shall assign to \_\_\_\_\_, Judgment Creditor, the Judgment Debtor’s right to receive the following payments until the judgment amount of \$ \_\_\_\_\_ is fully satisfied or this Order is amended:

- a. \_\_\_\_\_  
\_\_\_\_\_
- b. \_\_\_\_\_  
\_\_\_\_\_
- c. \_\_\_\_\_  
\_\_\_\_\_
- d. \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT





ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY CASE NUMBER: _____
<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>GUARDIANSHIP OF THE:</b> <input type="checkbox"/> PERSON OF  <b>(Name(s)):</b> _____	CASE NUMBER: _____
<b>VISITATION ORDER (Guardianship)</b>	CASE NUMBER: _____

1. The Petition for Visitation (guardianship) came on for hearing as follows:  
 (check boxes c, d, and e to indicate personal presence)

- a. Judge (name): \_\_\_\_\_  Temporary Officer
- b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept: \_\_\_\_\_ Room: \_\_\_\_\_
- c.  Petitioner (name): \_\_\_\_\_
- d.  Attorney for Petitioner (name): \_\_\_\_\_
- e.  Attorney for minor (name, address, and telephone no.):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**THE COURT FINDS:**

- 2. a.  All notices required by law have been given.
- b.  Notice of hearing to the following persons  has been  should be dispensed with  
 (name(s)): \_\_\_\_\_  
 \_\_\_\_\_

3. Visitation with the petitioner is in the best interest of the minor(s). (See Family Code Section 3020(a))

CASE NAME: _____	CASE NUMBER:
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**THE COURT ORDERS**

Visitation with minor(s) be granted to:

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

With the following conditions regarding:

- Supervised
- Unsupervised
- Duration: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Frequency: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Other Provisions: \_\_\_\_\_  
\_\_\_\_\_

**THE COURT FURTHER ORDERS**

Date: \_\_\_\_\_  
\_\_\_\_\_ Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY	
<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
<b>GUARDIANSHIP OF THE:</b> <input type="checkbox"/> <b>PERSON OF</b>  <b>(Name(s)):</b> _____	CASE NUMBER: _____	
<b>PETITION FOR VISITATION</b>	HEARING DATE AND TIME: _____	DEPT: _____

1. I am related to the child as the *(check one)*:  
 Mother  Father  Stepparent  Grandparent  Other relative  Friend

2. I believe that visitation between myself and the minor(s) is in the best interests of the minor because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. My previous contact with the minor(s) are as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. I request the Court order visitation between myself and the minor(s). I would like to have visitation as follows: \_\_\_\_\_  
 \_\_\_\_\_

5. The reason I have not been able to reach an agreement with the guardian/proposed guardian over visitation is: \_\_\_\_\_  
 \_\_\_\_\_

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct of my own knowledge.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 (Type of Print Your Name)

\_\_\_\_\_  
 (Signature)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)	Telephone Number	FOR COURT USE ONLY
<input type="checkbox"/> ATTORNEY FOR (Name):	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SELF-REPRESENTED	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 - F ALAMO ST. SIMI VALLEY, CA 93063-2110	<input type="checkbox"/> Limited Civil Case	
PLAINTIFF/PETITIONER		
DEFENDANT/RESPONDENT		
NOTICE OF MOTION AND MOTION TO COMPEL RESPONSES TO INTERROGATORIES		CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

TO: \_\_\_\_\_ AND TO ANY ATTORNEY OF RECORD.

NOTICE IS HEREBY GIVEN that at the date, time and place above, \_\_\_\_\_, will move the court for an order compelling \_\_\_\_\_ to respond to Special / Form Interrogatories, Set Number \_\_\_\_ and that monetary sanctions be imposed against \_\_\_\_\_.

This Motion is made pursuant to California Code of Civil Procedure §2030.290 on the grounds that \_\_\_\_\_ has failed to respond to the Special / Form Interrogatories, Set Number \_\_\_\_ which were served on \_\_\_\_\_.

This Motion will be based upon this Notice, the Memorandum of Points and Authorities, Declaration, and the Exhibits attached and the complete files and records in this action, together with such oral argument as the Court may permit at the time of the hearing.

MEMORANDUM OF POINTS & AUTHORITIES

On \_\_\_\_\_, Special / Form Interrogatories, Set Number \_\_\_\_ were served on \_\_\_\_\_ . (A true and correct copy of the Interrogatories are attached as Exhibit "A" to the attached Declaration.)

Notwithstanding written requests for a response to the Interrogatories, Defendant has failed to respond.

California Code of Civil Procedure §2030.290 provides, in relevant part, as follows:

If a party to whom interrogatories have been directed fails to serve a timely response, the following rules apply:

- (a) The party to whom the interrogatories are directed waives any right to exercise the option to produce writings under Section 2030.230, as well as objection to the interrogatories, including one based on privilege or on the protection for work product under Chapter 4 (commencing with section 2018.010), \*\*\*
- (b) The party propounding the interrogatories may move for an order compelling response to the interrogatories.
- (c) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person or attorney who unsuccessfully makes or opposes a motion to compel a response to the interrogatories, unless it finds the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of sanctions unjust. . . .

The Interrogatories were served and no timely response was received. It is therefore requested that the court order the Interrogatories answered within 10 days, without objection.

It is respectfully requested that the Court issue monetary sanctions as required the by code section cited above against \_\_\_\_\_.

**DECLARATION**

- 1. I have personal knowledge of all the facts set forth and if called upon, I could and would competently testify thereto.
- 2. On \_\_\_\_\_, the Special / Form Interrogatories, Sect Number \_\_\_\_ were propounded on \_\_\_\_\_. (A true and correct copy of the Interrogatories are attached hereto as Exhibit “A” and incorporated herein by this reference.)
- 3. On \_\_\_\_\_, when I had not yet received the responses to the Interrogatories, I wrote a letter requesting the responses be made without objection. (A

true and correct copy my letter dated \_\_\_\_\_ is attached hereto as Exhibit "B" and incorporated herein by this reference.

4. As of the date of this Motion, I have not received responses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed name*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)	Telephone Number	FOR COURT USE ONLY
<input type="checkbox"/> ATTORNEY FOR (Name): <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SELF-REPRESENTED		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input type="checkbox"/> Limited Civil Case <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 - F ALAMO ST. SIMI VALLEY, CA 93063-2110		
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT		
NOTICE OF MOTION AND MOTION TO COMPEL RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS		CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

TO: \_\_\_\_\_ AND TO ANY ATTORNEY OF RECORD.

NOTICE IS HEREBY GIVEN that at the date, time and place above, \_\_\_\_\_, will move the court for an order compelling \_\_\_\_\_ to respond to Request for Production of Documents, Set Number \_\_\_\_ and that monetary sanctions be imposed against \_\_\_\_\_.

This Motion is made pursuant to California Code of Civil Procedure §2031.300 on the grounds that \_\_\_\_\_ has failed to respond to the Request for Production of Documents, Set Number \_\_\_\_ which were served on \_\_\_\_\_.

This Motion will be based upon this Notice, the Memorandum of Points and Authorities, Declaration, and the Exhibits attached and the complete files and records in this action, together with such oral argument as the Court may permit at the time of the hearing.

MEMORANDUM OF POINTS & AUTHORITIES

On \_\_\_\_\_, the Request for Production of Documents, Set Number \_\_\_\_ was served on \_\_\_\_\_. (A true and correct copy of the Request for Production of Documents is attached as Exhibit "A" to the attached Declaration.)



Notwithstanding written requests for a response to the Interrogatories, Defendant has failed to respond.

California Code of Civil Procedure §2031.300 provides, in relevant part, as follows:

If a party to whom an inspection demand has been directed fails to serve a timely response to it, the following rules apply:

- (a) The party to whom the inspection demand is directed waives any objection to the demand, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section [1] section 2018.010). \*\*\*
- (b) The party making the demand may move for an order compelling response to the inspection demand.
- (c) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person or attorney who unsuccessfully makes or opposes a motion to compel a response to an inspection demand, unless it finds the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of sanctions unjust. . . .

The Request for Production of Documents was served and no timely response was received. It is therefore requested that the court order a response to the Request for Production of Documents be made within 10 days, without objection.

It is respectfully requested that the Court issue monetary sanctions as required the by code section cited above against \_\_\_\_\_.

**DECLARATION**

- 1. I have personal knowledge of all the facts set forth and if called upon, I could and would competently testify thereto.
- 2. On \_\_\_\_\_, the Request for Production of Documents, Set Number \_\_\_\_ was propounded on \_\_\_\_\_. (A true and correct copy of the Request for Production of Documents, Set Number \_\_\_\_ is attached hereto as Exhibit “A” and incorporated herein by this reference.)
- 3. On \_\_\_\_\_, when I had not yet received the responses to the Request for Production of Documents, I wrote a letter requesting the responses be made without

objection. (A true and correct copy my letter dated \_\_\_\_\_ is attached hereto as Exhibit “B” and incorporated herein by this reference.

4. As of the date of this Motion, I have not received responses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed name*

# Summary of Formatting Rules for Motions

## No local rules

- No local rules re: form or format of papers (CRC 2.100)
- Style rules don't apply to Judicial Council forms or local court forms. (CRC 2.119)

## Type of paper

- Use recycled paper (CRC 2.101)
- 1 side of each paper to be used (CRC 2.102)
- White paper, unglazed, not less than 20 pound weight, 8 ½ inches by 11 inches (CRC 2.103)

## Typeface & margins

- Printing must be no smaller than 12 points. (CRC 2.104) Typeface Courier, Times New Roman or Arial. (CRC 2.105) Ink black or blue-black. (CRC 2.106)
- Left margins at least 1 inch and right margin ½ inch from edge (CRC 2.107)
- Spacing: 1 ½ spaced or double spaced and numbered consecutively. Line numbers at left margin and separated from the text by a vertical column of space at least 1/5 inch wide or a single or double vertical line. There must be at least 3 line numbers for every vertical inch. (CRC 2.108)

## Look of Pages

- Number each page at bottom. (CRC 2.109)
- Footers must contain the title of the paper in at least 10 point type. Footer below page number and divided from the rest of the document by a printed line. (CRC 2.110)
- First page formatting requirements (CRC 2.111)
- Bind at the top of the pages (CRC 2.113)
- 2 hole punch, centered 2 ½ inches apart and 5/8 inch from top of the papers. (CRC 2.115)

## Acceptability of Pages

- Any addition, deletion or interlineation on a paper must be initialed by the clerk or judge at time of filing. (CRC 2.116)
- Clerk must not accept papers that don't conform to these rules EXCEPT:
  - Cannot reject a paper because it is handwritten or handwriting is in color other than black or blue-black. (CRC 2.118)
- For good cause, the court may permit the filing of papers that do not comply with the rules. (CRC 2.118)

<b>Attorney or Party Without An Attorney (Name, State Bar No. &amp; Address)</b>   Telephone No. Attorney for:	<b>For Court Use Only</b>
Superior Court of California, County of San Bernardino <input type="checkbox"/> <b>Barstow District; 235 East Mountain View, Barstow, CA 92311</b> <input type="checkbox"/> <b>Big Bear District; 477 Summit Boulevard, Big Bear Lake, CA 92315</b> <input type="checkbox"/> <b>Joshua Tree District; 6527 White Feather Road, Joshua Tree, CA 92252</b> <input type="checkbox"/> <b>Needles District, 1111 Bailey Street, Needles, CA 92363</b> <input type="checkbox"/> <b>Rancho Cucamonga District; 8303 N. Haven Ave., Rancho Cucamonga, CA 91730</b> <input type="checkbox"/> <b>San Bernardino District; 351 N. Arrowhead Ave., San Bernardino, CA 92415</b> <input type="checkbox"/> <b>Victorville District; 14455 Civic Drive, Victorville, CA 92392</b>	
Petitioner:  Respondent:	
<b>PETITION FOR FAMILY VISITATION</b>	<b>CASE NUMBER</b>

1. Parent \_\_\_\_\_ of the below-listed minor child(ren) is deceased. Petitioner is related to the deceased parent as follows:
- child of deceased parent    
 sibling of deceased parent    
 parent of deceased parent  
 grandparent of deceased parent

Name of Child	Birthdate	Identify Person Living With & County of Residence	Other Parent's Name

2. Describe the relationship and the bonding between each child and the petitioner(s). Explain the reason why family visitation is in the best interest of each child:    See attachment

Petitioner:	Case Number
Respondent:	

3. Describe the duration and frequency of visitation that is being requested:  See attachment
4.  A completed Declaration under the Uniform Child Custody Jurisdiction and Enforcement Act (Form FLI-105) is attached, as there is no existing Family Law Case and this Petition shall start a new matter.
5. Petitioner(s) request that the court grant reasonable visitation with the above-named child(ren), and such other relief as the court may deem appropriate, pursuant to Family Code Section 3102

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

**Date:**

\_\_\_\_\_  
(type or print name here)

\_\_\_\_\_  
(sign name here)

\_\_\_\_\_  
(type or print name here)

\_\_\_\_\_  
(sign name here)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)	Telephone Number	FOR COURT USE ONLY
<input type="checkbox"/> ATTORNEY FOR (Name): <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SELF-REPRESENTED		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input type="checkbox"/> Limited Civil Case <input type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110		
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT		
NOTICE OF MOTION AND MOTION FOR MATTERS TO BE DEEMED ADMITTED		CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_

TO: \_\_\_\_\_ AND TO ANY ATTORNEY OF RECORD.

NOTICE IS HEREBY GIVEN that at the date, time and place above, \_\_\_\_\_, will move the court for an order that the genuineness of documents and the truth of the matters specified in Plaintiff's Requests for Admissions be deemed genuine and admitted.

This Motion is made pursuant to California Code of Civil Procedure §2033.280 on the grounds that \_\_\_\_\_ has failed to respond to the First Set of Requests for Admissions which were served on \_\_\_\_\_.

This Motion will be based upon this Notice, the Memorandum of Points and Authorities, Declaration, and the Exhibits attached and the complete files and records in this action, together with such oral argument as the Court may permit at the time of the hearing.

MEMORANDUM OF POINTS & AUTHORITIES

On \_\_\_\_\_, Requests for Admissions were served on \_\_\_\_\_.

(A true and correct copy of the Requests for Admissions is attached as Exhibit "A" to the attached Declaration.)

Notwithstanding written requests for a response to the Requests for Admission, Defendant has failed to respond.

California Code of Civil Procedure §2033.280 provides, in relevant part, as follows:

- (a) If a party to whom requests for admission have been directed fails to serve a timely response, that a party waives any objections to the requests, including one based on privilege or on the protection for work product under Chapter 4 (commencing with section 2018.010). \*\*\*
- (b) The requesting party may move for an order that the genuineness of any document and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction under Chapter 7 (commencing with section 2023.010).
- (c) The court shall make this order, unless it finds that the party to whom the requests for admissions have been directed has served, before the hearing on the motion, a proposed response to the requests for admission. . . . It is mandatory that the court impose a monetary sanction under Chapter 7 (commencing with section 2023.010) on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated this motion.

The Requests for Admissions have been served and no timely response has been filed.

Therefore, it is requested that the court order that each of the attached Requests are deemed admitted and the documents referenced, if any, be deemed genuine.

It is respectfully requested that the Court issue monetary sanctions as required the by code section cited above against \_\_\_\_\_.

**DECLARATION**

- 1. I have personal knowledge of all the facts set forth and if called upon, I could and would competently testify thereto.
- 2. On \_\_\_\_\_, the Requests for Admissions were propounded on \_\_\_\_\_ . (A true and correct copy of the Requests for Admission is attached hereto as Exhibit “A” and incorporated herein by this reference.)
- 3. On \_\_\_\_\_, when I had not yet received the responses to the Requests for Admissions, I wrote a letter requesting the responses be made without objection. (A true

and correct copy my letter dated \_\_\_\_\_ is attached hereto as Exhibit "B" and incorporated herein by this reference.

4. As of the date of this Motion, I have not received responses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed name*