

HOW TO OPPOSE A MOTION

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★ HOW TO GET LEGAL INFORMATION & ADVICE

This template provides general guidance for responding to or opposing a Motion. You can use this template for opposing most Motions; however, if you are opposing a Motion to Dismiss or a Motion for Summary Judgment, visit a Legal Help Center for a template more specific to those types of motions. Before filing this document, make an appointment for free legal information and advice at one of the Legal Help Centers.

APPOINTMENTS – Based on the courthouse where complaint was filed

- ★ **SAN FRANCISCO, OAKLAND, OR EUREKA-MCKINLEYVILLE**
Federal Pro Bono Project | fedpro@sfbar.org | (415) 782-8982
NOTE: Contact for scheduling only – no legal advice is given when scheduling.
- ★ **SAN JOSE**
Federal Pro Se Program | (408) 297-1480
Drop-in hours Tuesday and Thursday from 9:00 a.m. to 4:00 p.m.
280 South 1st Street, 2nd Floor, Room 2070, San Jose

★ UNDERSTANDING LAWS & RULES

The Legal Help Centers (see above) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants** – The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk’s Office or on the Court’s website at: <https://www.cand.uscourts.gov/pro-se-handbook/>.
2. **Legal Research Guide for Pro Se Litigants** – The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at: <https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.
3. **Federal Rules of Civil Procedure** – These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country and are available at: <https://www.uscourts.gov/rules-policies>.
4. **Civil Local Rules** – The Civil Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only and are available at: <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

★ WHEN TO RESPOND/OPOSE A MOTION

You have only 14 days to respond to a regular Motion. The time to respond runs from the date the Motion was filed. Check the Certificate of Service, which should be included with the Motion papers. You have only 4 days to respond to an Administrative Motion. See Civil Local Rule 7, Motion Practice, for the Northern District’s rules governing motions and oppositions. The Legal Help Center can help you with any questions you have about these rules. <https://www.cand.uscourts.gov/rules/civil-local-rules/>

★ HOW TO COMPLETE THE OPPOSITION TO MOTION TEMPLATE

1. **Read the Pro Se Handbook** – Chapter 11, “What is a Motion and How Do I Make or Respond to One?” explains more fully the motion process, including how to respond to or oppose a Motion.
2. **Fill in the case information** – On the top of the first page, write your name, address, and check the box for the division to which your case has been assigned. Write in the plaintiff’s and defendant’s names in the middle of the page. Then, write in the case number and the judge’s name.
3. **Complete the Declaration in support of your Opposition** – A “Declaration” is a statement of facts signed under penalty of perjury.
 - a. **Write in the facts:** In the Declaration, write each fact the Court needs to know to decide the Motion. Write only facts that you know about personally. If a person other than you has personal knowledge of the facts, they may also submit a Declaration using the same template.
 - b. **Add exhibits as evidence:** If you want to attach a document to your Declaration as evidence, say what the documents is, how you got it and when. You may want to use this format: “Attached as Exhibit A is a true and correct copy of an email I received from Plaintiff on June 5, 2024.” Mark each exhibit with a letter or a number. Many judges require parties to also tab the exhibit with the letter on the side.
 - c. **Review your Declaration:** Read the Declaration to make sure it is clear, correct, and complete. Fill in the name of the Declaration and the page numbers at the bottom of each page, sign and date.
4. **Complete the Memorandum** – argue why the Motion should be denied. Most Memoranda cannot be longer than 15 pages.
 - a. **Write the facts (again).** Repeat each fact stated in the Declaration(s). At the end of each sentence, say where in the Declaration the Court can find evidence supporting the facts stated. You may want to use these formats:
 - i. “On June 4, 2024, I called Defendant. (Plaintiff Declaration, paragraph 4.)”
 - ii. “Plaintiff emailed me on June 5, 202. (Defendant Declaration, paragraph 5 and Exhibit A.)”

- b. **Respond to each argument in the Motion.** A party usually makes several points in the “Argument” or “Discussion” section of its Motion. You should respond to each point. When you mention facts, say where in the Declaration the Court can find the supporting evidence, just as you did in the Fact section. If you have questions about any argument, contact the Legal Help Center (see page 1).
 - c. **Review your Memorandum:** Read the Memorandum to make sure it is clear, correct, and complete. Fill in the page numbers, sign and date. If the Memorandum is longer than 10 pages (excluding the title page), you must add a table of contents and a table of cases and statutes. Insert these after the title page.
5. **Prepare the Certificate of Service** – Each document that you file must be “served” on each other party, usually by sending it in the mail. A Certificate of Service is a paper that lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions on it. If all parties (including you) are registered ECF filers, you do not need to prepare or file a Certificate of Service.
6. **Mark your calendar** – Put the hearing date on your calendar and be sure to show up at Court. You must follow whatever decision is made at or after the hearing and any instructions from the Court. Sometimes the Court decides the motion based on the papers submitted by the parties and cancels the hearing. Other times, the in-person hearing will be changed to a video or phone conference. If you have questions about the hearing or need help asking the Court to allow you to appear by video or phone, contact the Legal Help Center.
7. **Do not respond to the Reply brief** – The party who filed the Motion may file a Reply Brief in response to your Opposition. However, your Opposition is generally the only brief you will file. If there is new information (not in the original Motion) in the Reply Brief that you want to address, contact a Legal Help Center for advice.

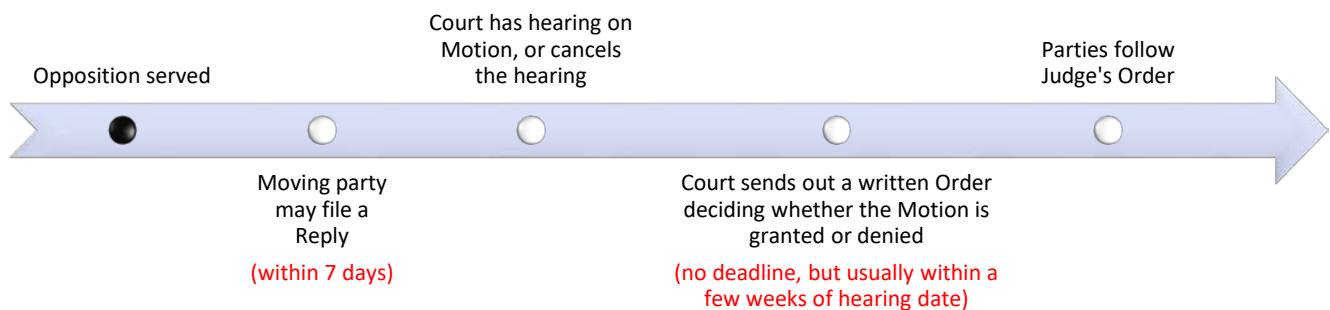
★ FILING & SERVING YOUR OPPOSITION

1. **Copies** – Make three copies. Once you have completed and signed your Opposition and Certificate (if needed), make three copies of each. On one copy of the documents, write “Chambers” on the top in pen. (If there is more than one plaintiff or defendant, you will also need one additional copy for each of them.) ECF users do not need to include a chambers copy. See Civil Local Rule 5-1(d)(7).
2. **Serve the Opposition** – Be sure that the Opposition and Certificate are served on each other party. If you are filing electronically, your document is considered served when filed. See Civil Local Rule 5-1(h)(1).
3. **File the Opposition** – Deliver or mail the original plus two copies of the Opposition and Certificate to the Clerk’s Office at the federal courthouse where the Judge hearing your case is located. The Clerk will take the original and the copy marked “Chambers” of each document. The other copy is for you to keep after it is stamped by the Clerk.
 - a. **File by mail** – If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.

- b. **File electronically** – If you are an electronic filer, follow the instructions for electronic filing, which can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/>.
- c. **Register to become an e-filer** – The registration information to become an e-filer can be found here: <https://www.cand.uscourts.gov/e-file/>.

★ WHAT'S NEXT?

The Court will decide whether to grant the opposing party's Motion or deny it. The timeline below lists what generally happens after the Opposition is filed. The Legal Help Centers (see page 1) can provide guidance about these steps, and have many other templates for you to use in your case.



★ STAY UP TO DATE

1. **Communications** – Check your mail and tell the Court if you move. You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Tracking** – Keep track of your case. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the Pro Se Handbook Chapter 7 and contact the Legal Help Center to learn to access documents.
3. **Guidance** – Visit the Legal Help Center for more information about what happens next.

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Your Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Division [check one]: ☐ San Francisco ☐ Oakland ☐ San Jose ☐ Eureka-McKinleyville

_____)	Case Number: _____
_____)	MEMORANDUM IN SUPPORT OF
Plaintiff,)	OPPOSITION TO MOTION [type of motion]
v.)	_____
_____)	_____
_____)	
_____)	DATE: _____
_____)	TIME: _____
Defendant.)	JUDGE: _____
_____)	Hon. _____

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I. FACTUAL BACKGROUND

Write the facts relevant to the motion. At the end of each sentence, write where evidence of that fact can be found. See the “How to Respond to a Motion” instructions for more detailed information.

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II. ARGUMENT

Explain your response to each of the arguments made by the opposing party in their Motion. Go in the same order as the arguments were made in the Motion, if possible.

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[You must sign and date.]

Respectfully submitted,

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Insert this page as needed to continue the facts or argument section, or to write an introduction.
