

## Instructions: Writing and Filing a Reply Brief

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in certain civil lawsuits in the Northern District Court of California. *Using this template does not guarantee any result in your case.*



### HOW TO GET LEGAL INFORMATION AND ADVICE

This packet provides general guidance about writing a reply brief. *Before filing this document*, make an appointment for free legal information and advice at one of the Legal Help Centers.



If the case is assigned to a judge in the San Francisco, Oakland, or Eureka federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Bono Project: 415-782-8982



Sign up in the appointment book at either:

450 Golden Gate Ave., 15th Floor, Room 2796, San Francisco or  
1301 Clay Street, 4th Floor, Room 470S, Oakland



Email us at [federalprobonoproject@sfbbar.org](mailto:federalprobonoproject@sfbbar.org)

*This email is to schedule appointments only-no legal advice is given over email.*



If the case is assigned to a judge in the San Jose federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Se Program: 408-297-1480



*Monday to Thursday 9:00 am - 12:00 pm*, drop in at

The Law Foundation of Silicon Valley, 152 North 3rd St., 3rd Floor, San Jose

*Monday to Thursday 1:00 pm - 4:00 pm*, drop in at

280 South 1st Street, 2nd Floor, Room 2070, San Jose



### WHEN TO FILE A REPLY BRIEF

**You have only 7 days to file a Reply.** ⚠️ The time to respond runs from the date the Opposition was filed. Check the certificate of service, which should be included with the Opposition papers.



### CHECKLIST: HOW TO PREPARE A REPLY BRIEF

- Add the case information.** Fill in the blanks on the first page.
- Respond to the each of the arguments in the Opposition.**
  - Go in the same order as the Opposition, and use the same numbers/letters to identify your responses. In most cases, the Reply briefs are limited to 10 pages (excluding the title page).
  - You should not just repeat arguments made in the Motion. The purpose of the Reply brief is to directly argue against what is in the Opposition.

- When you mention a fact, say where in the Declarations filed with the Motion or Opposition the Court can find the supporting evidence, just as you did in the Motion. If you have questions about any argument or the cases used in the Opposition, contact the Legal Help Center (see page 1).
- **Review, number the pages and sign.** Read the Reply to make sure it is clear, correct, and complete. Fill in the page number and total on each page. Sign and date.
- **Prepare the Certificate of Service.** Each document that you file must be “served” on each other party, usually by sending it in the mail. Follow the instructions on the Certificate of Service.
- **Go to the hearing.** Sometimes the Court needs to reschedule or cancel hearing dates. Check your mail regularly in the days leading up to the hearing. Be sure to show up at Court for the hearing date. *You must follow whatever decision is made at or after the hearing and any instructions from the Court.*



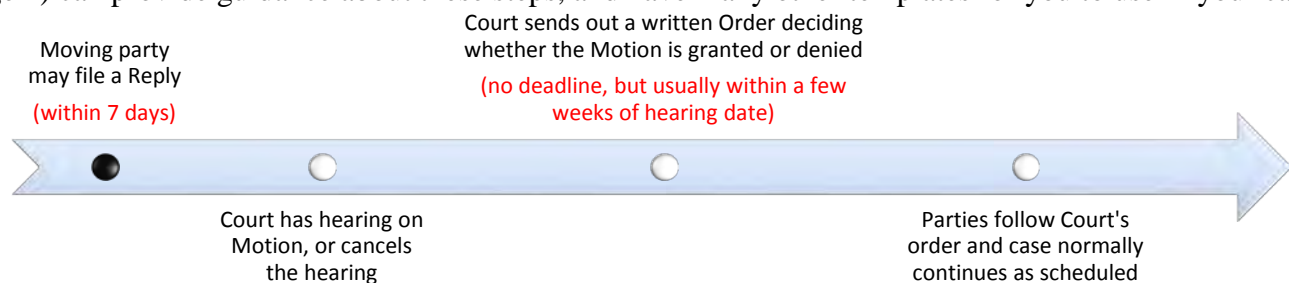
## FILING AND SERVING YOUR MOTION PAPERS

1. **Make copies.** Once the Reply and Certificate are complete, 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 copy for each of them.)
2. **File the Motion.** Deliver or mail the *original plus two copies* of the documents to the Clerk’s Office at the courthouse where the Judge for your case is located. The Clerk will take the original and one copy. The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy back to you.
3. **Serve the Motion.** Be sure the Reply and Certificate are served on each party.



## TIMELINE: AFTER THE REPLY IS FILED

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. Update your contact information. File a notice with the Clerk right away if your address, email, or phone number changes, or you may miss important deadlines, causing you to lose your case.
2. Check your mail. Be sure to check regularly for documents from the Court and opposing side.
3. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. See Chapter 7 of the Handbook (below), and contact the Legal Help Centers.



## UNDERSTANDING THE LAWS AND RULES

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The Legal Help Centers (see page 1) 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 [www.cand.uscourts.gov/prosehandbk](http://www.cand.uscourts.gov/prosehandbk).
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 [www.cand.uscourts.gov/Legal-Help-Center-Templates](http://www.cand.uscourts.gov/Legal-Help-Center-Templates).
3. **Federal Rules of Civil Procedure ("FRCP").** These Rules explain the procedures from filing through trial for all civil cases in federal courts across the country, and are available at [www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf](http://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf).
4. **Local Rules.** The Local Rules follow the same numbering as the FRCP, but generally provide more detail. They apply in this District only, and are available at [www.cand.uscourts.gov/localrules/civil](http://www.cand.uscourts.gov/localrules/civil).

1 Your name: \_\_\_\_\_

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

3 \_\_\_\_\_

4 Phone Number: \_\_\_\_\_

5 E-mail Address: \_\_\_\_\_

6 Pro se

7

8

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9

10

Division [check one]:  San Francisco  Oakland  San Jose  Eureka

11

12

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

13

\_\_\_\_\_ ) **REPLY BRIEF IN SUPPORT OF MOTION**

14

Plaintiff, ) [type of motion]

15

vs. ) \_\_\_\_\_

16

\_\_\_\_\_ ) \_\_\_\_\_

17

\_\_\_\_\_ ) DATE: \_\_\_\_\_

18

\_\_\_\_\_ ) TIME: \_\_\_\_\_

19

\_\_\_\_\_ ) COURTROOM: \_\_\_\_\_

20

Defendant. ) JUDGE:

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\_\_\_\_\_ ) Hon. \_\_\_\_\_

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REPLY BRIEF

CASE NO.: \_\_\_\_\_; PAGE \_\_\_\_ OF \_\_\_\_ [JDC TEMPLATE – rev. 2017]





**CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

*\* You must serve each document you file by sending or delivering to the opposing side. Complete this form, and include it with the document that you file and serve.\**

1. **Case Name:** \_\_\_\_\_ v. \_\_\_\_\_

2. **Case Number:** \_\_\_\_\_

3. **What documents were served?** *[Write the full name or title of the document or documents]* Reply brief in support of Motion

4. **How was the document served?** *[check one]*

Placed in U.S. Mail

Hand-delivered

Sent for delivery (e.g., FedEx, UPS)

Sent by fax (if the other party has agreed to accept service by fax)

5. **Who did you send the document to?** *[Write the full name and contact information for each person you sent the document.]*

_____	_____
_____	_____
_____	_____
_____	_____

6. **When were the documents sent?** \_\_\_\_\_

7. **Who served the documents?** *[Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature: \_\_\_\_\_

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

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

\_\_\_\_\_