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Deering's California Codes Annotated
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CALIFORNIA RULES OF COURT
Title 3. Civil Rules
Division 11. Law and Motion
Chapter 2. Format of Motion Papers

Cal Rules of Court, Rule 3.1110 (2010)

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) effective January 1, 1984.

(d) **Reference to previously filed papers** Any paper previously filed must be referred to by date of execution and title.

(Subd (d) amended and lettered effective January 1, 2007; adopted as subd (c) effective January 1, 1984.)

(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 lettered 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 renumbered 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.)

HISTORY:

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

NOTES:

Cross References:

Form and format of papers presented for filing in the trial courts: *CRC Rules 2.100* et seq.

Motions and orders: *CCP §§ 1003* et seq.

Collateral References:

Matthew Bender (R) Practice Guide: Cal. Trial and Post Trial Civil Procedure §§ 14.03, 14.11[1], 29.15[1], 29.15[5], 29.32[1].

Matthew Bender(R) Practice Guide: California Pretrial Civil Procedure, 26.01, 26.43, 26.65-26.67.

Cal Civil Procedure Before Trial (CEB) §§ 1.1 et seq.

NOTES OF DECISIONS

Decisions Under Current Rule

1. Motion Defective

Decisions Under Former Rules

1. Motion Denied

Decisions Under Current Rule

- 1. Motion Defective**

Award of sanctions was reversed where respondent's notice of its motion for sanctions did not meet the requirements of *CCP* §§ 128.7, subd. (c)(1), and 1010, because respondent's purported notice failed to specify when the motion would be made, rendering it fatally defective. Because respondent filed its motion for sanctions the same day it was served, it did not comply with § 128.7, subd. (c)(1). *Galleria Plus, Inc. v. Bank* (2009, 2d Dist) 2009 Cal App LEXIS 1856.

Decisions Under Former Rules **1. Motion Denied**

SLAPP motion was properly denied as untimely where it was brought more than 60 days after a bankruptcy court remanded the case to state court. Although the location of the court and name of the judge had not been determined, nothing in the Rules of Court prevented defendants from filing their SLAPP motions in the district and setting them for hearing in the master calendar department. *Morin v. Rosenthal* (2004, Cal App 2d Dist) 122 Cal App 4th 673, 19 Cal Rptr 3d 149, 2004 Cal App LEXIS 1585, modified, rehearing denied (2004) 2004 Cal. App. LEXIS 1730, review denied (2004) 2004 Cal. LEXIS 12010.