

KINSEY
LAW
OFFICES



NOTICE OF MOTION TO COMPEL ATTENDANCE AT DEPOSITION

Sample Only
Use At Your Own Risk



To _____ [name of deponent], _____ [name of deponent's attorney],
attorney of record for _____ [deponent], and to _____ [names of other
parties or attorneys on whom copies of deposition notice or subpoena were served]:

PLEASE TAKE NOTICE that at _____ [time], on _____ [date], or as
soon after as the matter can be heard, in _____ [Department _____ or as the
case may be] of the _____ County Superior Court, _____ [court address],
_____ [moving party] will move the court for an order requiring _____
[deponent] to attend and testify at _____ [his or her] oral deposition originally
scheduled to be held on _____ [date], at _____ [time], at _____
[address], _____ [city], _____ County, California This motion is made on
the grounds that _____ [specify, for example: _____ (deponent) failed to
attend or testify at _____ (his or her) deposition as originally noticed. A copy of
the deposition notice is attached to this motion as Exhibit _____ and incorporated by
reference. _____ (Deponent) did not file written objections or motions in
response to the deposition _____ (notice or subpoena), which was properly
served on _____ (deponent) on _____ (date). The time for responding to
_____ (moving party's) notice expired on _____ (date)]. _____ [If
production of documents or things was requested in notice of deposition, add the
following: The notice of deposition requested that _____ (deponent) produce the
following: _____ (list documents or things requested). Good cause exists to
compel the production of such items, in that _____ (detail facts showing good

cause, such as: the documents sought are relevant to the issue of whether defendant was negligent, and are essential to preparation of plaintiff's case. Defendant's refusal to attend the deposition and produce the items specified in the deposition notice was without substantial justification]. Pursuant to sections 2025(j)(3) and 2023(b)(1) of the Code of Civil Procedure, _____ [moving party] will also seek monetary sanctions of \$_____ against _____ [deponent and his or her attorney or as the case may be] for reasonable attorney fees and costs incurred in bringing this motion. Such sanctions are sought on the ground that there is not substantial justification for _____ [deponent's] conduct in _____ [specify conduct for which sanctions are sought].

The motion will be based on this notice of motion, the attached memorandum of points and authorities, the declaration of _____ [name of witness or attorney or as the case may be], the record and files of this case, and any further oral or documentary evidence introduced at the hearing of this motion.

Date: _____
_____ [Plaintiff's name]
Plaintiff *In Pro Per*

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