

**NOTICE OF MOTION,  
DECLARATION, & MEMORANDUM  
OF POINTS AND AUTHORITIES**

**Sample Only  
Use At Your Own Risk**



To \_\_\_\_\_ [name], \_\_\_\_\_ [plaintiff or defendant], and to \_\_\_\_\_  
[name], \_\_\_\_\_ [his or her or its] attorney of record:

PLEASE TAKE NOTICE that on \_\_\_\_\_ [date], at \_\_\_\_\_ [time], or as  
soon thereafter as the matter can be heard, in \_\_\_\_\_ [Department or Division] \_\_\_  
of the above-entitled court, located at \_\_\_\_\_ [location of courthouse], [plaintiff or  
defendant] will move the court for an order \_\_\_\_\_ [pursuant to section 397 of the  
Code of Civil Procedure, transferring the case to another court having jurisdiction or as  
the case may be] . The motion will be made on the grounds that \_\_\_\_\_ [state  
grounds, for example, (1) here is reason to believe that an impartial trial cannot be had  
in this court, and (2) the convenience of witnesses and the ends of justice would be  
promoted by the transfer].

The motion will be based on this notice of motion, on the attached memorandum  
of points and authorities, on the attached declaration of \_\_\_\_\_ [name], and on all  
the papers, pleadings, and records on file in this action.

**DECLARATION OF \_\_\_\_\_**

I, \_\_\_\_\_ [name], declare:

1. \_\_\_\_\_ [Identify declarant and state relationship to action, for example, I  
am the defendant in the above-entitled action.]

2. \_\_\_\_\_ [In this and succeeding numbered paragraphs, state facts within personal knowledge of declarant which support issuance of the order sought.]

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

Dated \_\_\_\_\_.

\_\_\_\_\_  
[Signature]

**MEMORANDUM OF POINTS AND AUTHORITIES  
STATEMENT OF FACTS**

\_\_\_\_\_ [In this and subsequent paragraphs, set forth a concise statement of the case, stating all facts relevant to the issues raised by the motion].

**I. INTRODUCTION**

[Write an overview of your arguments]

[In subsequent paragraphs lay out your points beginning with a heading for the point followed by a discussion of your argument including authorities]

**II. ARGUMENT**

[Lay out your points and authorities. Begin with a heading and then flesh out your argument with references to applicable law.]

**[EXAMPLE]**

- 1. DEFENDANT'S MOTION SHOULD BE DENIED BECAUSE SHE FAILED TO COMPLY WITH THE REQUIREMENT OF C.C.P. § 473c(a)(3) REQUIRING SERVICE OF THE MOTION ON ALL PARTIES**

Code of Civil Procedure § 437c(a)(3), referring to the requirements for service of a summary judgment motion, states, in pertinent part that , “The motion shall be heard no later than 30 days before the date of trial, unless the court for good cause orders otherwise. . . .” The Proof of Service attached to Defendant’s motion indicates that the . . . . .

**CONCLUSION**

\_\_\_\_\_ [Set forth conclusion, such as: Based on the reasons set forth above, \_\_\_\_\_ (plaintiff or defendant) respectfully requests that the court grant \_\_\_\_\_ (plaintiff's or defendant's) motion for \_\_\_\_\_ (specify order sought by motion)].

Dated \_\_\_\_\_.

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

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