

**§ 6.7.1.2 "Memorandum of Points and Authorities"**

- Type the P's & A's in the same format as that for regular motions, § 6.3.2, but remember that **they may contain 20 pages without leave of court.**

**§ 6.7.1.3 "Declarations" and "Exhibits"**

- Type and tab declarations and exhibits in the same format as that for regular motions (see "Declarations" § 6.3.3, and "Exhibits," § 6.3.5), but note that **C.R.C., Rule 3.1350(g) requires exhibits exceeding 25 pages to be separately bound and to include a table of contents.**

**§ 6.7.1.4 "Moving Party's Separate Statement of Undisputed Material Facts"**

C.C.P. § 437c(b) requires a separate statement: "setting forth plainly and concisely all material facts which the moving party contends are undisputed. Each of the material facts stated shall be followed by a reference to the supporting evidence." C.R.C., Rule 3.1350 contains the required format of the separate statement.

- 1▶ Type the caption as on previous pleadings.
- 2▶ Type the title in all caps "MOVING PARTY'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT." The footer is an abbreviation of the caption. (C.R.C., Rule 2.110)
- 3▶ Below the title, type the date, time, and department or division for the hearing, the name of the judge, if known, the date the action was filed, and the trial date, if set.
- 4▶ Type an introductory paragraph such as ours stating that you are submitting the separate statement in support of your motion.
- 5▶ **List the undisputed material facts and evidentiary support in the required 2-column format, stating each material fact with the supporting evidence immediately below it, and leaving the second column for the opposing party's response.**
- 6▶ (Next page) Type the standard date and signature lines as described in § 1.2.4.

**Moving Party's Separate Statement of Undisputed Material Facts (page one)**

1▶	1	DEBORAH SMITH, ESQ. (SBN #1134685)	
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	5	Telephone: (213) 205-1234	
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	8	Attorney for Defendant	
	9	JAMES A. WRONGDOER	
	10		
	11		SUPERIOR COURT OF THE STATE OF CALIFORNIA
	12		FOR THE COUNTY OF LOS ANGELES
	13	FRED A. WRONGED,	Case No. C 126447
	14	Plaintiff,	2▶ MOVING PARTY'S SEPARATE
	15	vs.	STATEMENT OF UNDISPUTED
	16	JAMES A. WRONGDOER, and DOES 1	MATERIAL FACTS IN SUPPORT OF
	17	through 10, inclusive,	MOTION FOR SUMMARY
	18	Defendants.	JUDGMENT
	19		3▶ Date: September 30, 2000
	20		Time: 9:00 A.M.
	21		Dept: 83
	22		Judge: Honorable June Justice
	23		Action Filed: August 3, 1998
	24		Trial Date: December 5, 2000
4▶	25	Defendant, JAMES A. WRONGDOER, hereby submits his Separate Statement of	
	26	Undisputed Material Facts in Support of his Motion for Summary Judgment.	
	27		
5▶	28	Moving Party's Undisputed Material Facts and Supporting Evidence:	Opposing Party's Response and Supporting Evidence:
	29	1. Police officer David Green witnessed the accident.	
	30	D. Green deposition, p. 12, lines 4-18; Exh. A.	
	31	///	
	32	///	
2▶	33	-1-	
	34	MOVING PARTY'S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS	

**Moving Party's Separate Statement of Undisputed Material Facts (page two)**

- 1 2. At the time of the accident, Officer  
2 Green was monitoring traffic with a  
3 radar device.  
D. Green deposition, p. 14, lines 2-  
20; Exh. A.
- 4 3. The radar device was in good  
5 working order.  
D. Green deposition, p. 14, lines 21-  
28; Exh. A.
- 6
- 7 4. The radar device calculated the speed  
8 of Wrongdoer's automobile  
immediately prior to Wronged's  
9 entering the traffic lane at 30 miles  
per hour.  
10 D. Green deposition, p. 16, lines 2-3;  
Exh. A.
- 11 5. The posted speed limit at the scene of  
12 the accident at the time of the  
accident was 35 miles per hour.  
13 D. Green deposition, p. 17, lines 5-  
10; Exh. A.
- 14

6▶ 15 DATED: June 10, 2000

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DEBORAH SMITH  
Attorney for Defendant  
JAMES A. WRONGDOER

#### § 6.7.1.5 Filing and Service

- Follow the procedures outlined in Chapter 2, but attach a check for the filing fee for the motion. The fee is much higher than the regular motion fee. (See Appendix “F” under “Civil Motion and Other Filing Fees” for the current fee.)
- Check the court’s website to determine to whom to make the check payable. The courts differ widely on this. One may want it payable to the “(name of county) Superior Court Clerk.” Another may want it simply “Court Clerk.” Add the check to the package.
- Be sure to file copies (not originals) of your documentary evidence unless they are lodged with the court.

#### § 6.7.1.6 Lodging Deposition Transcripts/Documentary Evidence

Where exhibits are bulky, they are lodged with the court prior to the hearing (not filed with the clerk’s office). They may be submitted directly to the court hearing the motion, along with a self-addressed stamped envelope for their return after the hearing. (C.R.C., Rule 3.1302(b)). In Los Angeles County, the lodged items may also be submitted with an attorney service pick-up slip if the attorney service has been instructed to pick up the lodged material without reminder from the court clerk. (L.A.S.C.R., Rule 3.4(b))

C.R.C., Rule 3.1350(g) provides that if the evidence in support of the motion exceeds 25 pages, it must be separately bound and a table of contents included. If required, prepare a caption page entitled "Moving Party's Exhibits in Support of Motion for Summary Judgment," prepare a table of contents, and attach the exhibits, separated by tabs. C.R.C., Rule 3.1116 describes how deposition testimony is to be prepared as an exhibit -- essentially a cover page with the pertinent pages of the deposition transcript attached, with the relevant testimony highlighted.

#### § 6.7.1.7 Opposing the Motion

The motion may be opposed on procedural grounds (e.g., notice requirements were not met), on evidentiary objections, and/or on substantive grounds.

#### **IF YOU ARE SERVED WITH AN MSJ, BE SURE TO CALENDAR:**

- the date, time, and place of the hearing
- the deadline for filing and serving the opposition (see table on p. 6-52)
- a reminder to check the tentative ruling (see § 6.3.9)
- a reminder to give intent to appear by telephone, if any (see § 6.3.10.1)
- a reminder to arrange for a court reporter, if necessary (see § 6.3.10.2)