

## Instructions: Responding to a Motion

This template is not an official court form. It can be used in certain civil lawsuits in the United States District Court, District of Nevada. *Using this template does not guarantee any result in your case.*

### HOW TO GET LEGAL INFORMATION

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These instructions provide general guidance about responding to a motion. If you are looking for more information on representing yourself, visit the District of Nevada's Pro Se page at [Self Help - District of Nevada \(uscourts.gov\)](https://www.uscourts.gov).

### WHEN TO RESPOND TO A MOTION

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**Regular Motions: You have only 14 days to respond to a regular motion.** The time to respond runs from the date the motion was filed. Check the certificate of service, which should be included with the Motion papers.

**Motions for Summary Judgment: If you are responding to a motion for summary judgment, you only have 21 days to respond.** The time to respond runs from the date the motion was filed. Check the certificate of service, which should be included with the Motion papers.

### WHO SHOULD USE THIS TEMPLATE

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You can use this template for opposing motions.

### CHECKLIST: HOW TO PREPARE AN OPPOSITION

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- Complete the Declaration.** A “Declaration” is a statement of facts signed under penalty of perjury.
  - **Write the facts.** In the Declaration, write each fact the Court needs to know to decide the Motion. If a person other than you has personal knowledge of the facts, they may also submit a Declaration. They can use a copy of the same Declaration template.
  - **Add exhibits as evidence.** If you want to attach a document to your Declaration as evidence, say what the document is, how you got it and when. You may want to use this format: “Attached as Exhibit A is a true and correct copy of an email I received from Plaintiff on June 5, 2021.” A cover sheet referencing the exhibit or attachment by number or letter must be the first page of each exhibit or attachment and must include a description of the exhibit or attachment (for example, “Exhibit 1 – June 5, 2021 Email,” not simply “Exhibit 1”). Many judges require parties to also tab the exhibit with the letter or number on the side.
  - **Exhibits submitted in paper form.** Please note that no more than 100 pages of exhibits may be attached to documents filed or submitted to the court in paper form. Unless the assigned judge orders otherwise, exhibits in excess of 100 pages must be submitted in a separately bound appendix. If an appendix exceeds 250 pages, the exhibits must be filed in multiple volumes, with each volume containing no more than 250 pages. The appendix must be bound on the left and include a table of contents identifying each exhibit and, if applicable, the volume number. If submitted in paper form, each exhibit must be tabbed.
  - **Review, number the pages and sign.** Read the Declaration to make sure it is clear, correct, and complete. Fill in the page numbers, sign and date.

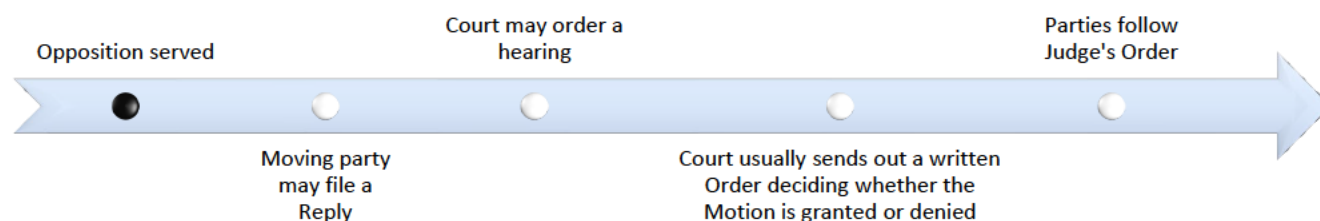
- Complete the Opposition.** In the Opposition, argue why the Motion should be denied. Most oppositions cannot be longer than 24 pages, excluding exhibits.
  - **Write the facts (again).** Repeat each fact stated in the Declaration(s). At the end of each sentence, say where in the Declaration the Court can find evidence supporting the facts stated. You may want to use these formats:
    - “On June 4, 2021, I called Defendant. (Plaintiff Declaration, paragraph 4.)”
    - “Plaintiff emailed me on June 5, 2021. (Defendant Declaration, paragraph 5 and Exhibit A.)”
  - **Respond to each argument.** A party usually makes several points in the “Argument” or “Discussion” section of its Motion. You should respond to each point. When you mention facts, say where in the Declaration the Court can find the supporting evidence, just as you did in the Fact section.
  - **Review, number the pages and sign** Read the Opposition to make sure it is clear, correct, and complete. Fill in the page numbers, 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.
  
- Do not respond to the Reply brief.** The party who filed the Motion may file a Reply brief in response to your Opposition. Your Opposition is generally the only brief you file.
  
- Mark your calendar.** If the Court schedules a hearing, be sure to show up at Court. *You must follow whatever decision is made at or after the hearing and any instructions from the Court.*

## **FILING AND SERVING YOUR OPPOSITION PAPERS START HERE**

1. **Make copies.** Once the documents are complete, make a copy of each.
  
2. **File the Opposition papers.** Deliver or mail the *original plus one copy* of the documents to the Clerk’s Office at the courthouse where the Judge for your case is located. One copy will be filed and one file-stamped copy will be returned to you. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of your filing back to you. (Parties who are granted leave to proceed in forma pauperis need not submit a self-addressed, postage-paid envelope.)
  
3. **Serve the Opposition.** Be sure the Opposition papers and Certificate are served on each party.

## **TIMELINE: AFTER THE OPPOSITION PAPERS ARE FILED**

The timeline below lists what generally happens after the Opposition is filed.



## STAY UP TO DATE

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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.

## ADDITIONAL RESOURCES

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Below are other resources for understanding the laws and rules of the Court:

1. **Instructions for Representing Yourself.** Additional instructions for representing yourself can be found on the Court's website at [Self Help - District of Nevada \(uscourts.gov\)](https://uscourts.gov).
2. **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 [Self Help - District of Nevada \(uscourts.gov\)](https://uscourts.gov).
3. **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 [Local-Rules-of-Practice-Amended-2020.pdf \(uscourts.gov\)](https://uscourts.gov).

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

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

3 \_\_\_\_\_

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

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

6 Pro se

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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\_\_\_\_\_

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

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\_\_\_\_\_

**OPPOSITION TO** [*type of motion*]:

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Plaintiff,

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vs.

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Defendant.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL BACKGROUND**

*[Write the facts relevant to the motion. At the end of each sentence, write where evidence of that fact can be found. See the Instructions for more detailed information.]*

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**II. ARGUMENT**

*[Explain your response to each of the arguments made in the Motion. Go in the same order as the arguments were made in the Motion, if possible.]*

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*[You must sign and date.]*

Respectfully submitted,

Date: \_\_\_\_\_ Sign Name: \_\_\_\_\_

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

1 *Insert this page as needed to continue the facts or argument section, or to write an introduction.*

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

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

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

6 Pro se

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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9 \_\_\_\_\_

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

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Plaintiff,

**DECLARATION OF** *[name of person signing]*

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vs.

**IN OPPOSITION TO MOTION** *[motion title]*

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16 \_\_\_\_\_

Defendant.

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*[In the first paragraph, explain who you are. If you are the Plaintiff or Defendant, say so here. If you are a witness, say how you are connected to the party or events in this case.]*

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1. I am \_\_\_\_\_

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2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

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*[Write each fact in a separate, numbered paragraph, starting with 3. You may only write about facts that you know personally, such as events you witnessed. Explain how you know each fact. If you want to include documents, see the Instructions. Make copies of this page if you need more space.]*

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

Executed on Date: \_\_\_\_\_

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

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