

## HOW TO WRITE AND FILE A REPLY BRIEF

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in civil lawsuits in the Northern District Court of California. This template provides guidance only. Using this template does not guarantee any result.

### ★ HOW TO GET LEGAL INFORMATION & ADVICE

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This packet provides general guidance about writing a Reply Brief. Before filing this document, make an appointment for free legal information and advice at one of the Legal Help Centers.

#### **APPOINTMENTS – Based on the courthouse where complaint was filed**

- 📍 San Francisco, Oakland, or Eureka-McKinleyville  
Federal Pro Bono Project | [fedpro@sfbbar.org](mailto:fedpro@sfbbar.org) | (415) 782-8982  
**NOTE:** Contact for scheduling only – no legal advice is given when scheduling.
- 📍 San Jose  
Federal Pro Se Program | (408) 297-1480  
Drop-in hours Tuesday and Thursday from 9:00 a.m. to 4:00 p.m.  
280 South 1st Street, 2nd Floor, Room 2070, San Jose

### ★ UNDERSTANDING LAWS & RULES

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The Legal Help Centers (see above) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants** – The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk’s Office or on the Court’s website at: <https://www.cand.uscourts.gov/pro-se-handbook/>.
2. **Legal Research Guide for Pro Se Litigants** – The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at: <https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.
3. **Federal Rules of Civil Procedure** – These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country, and are available at: <https://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
4. **Civil Local Rules** – The Civil Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only, and are available at: <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

## ★ HOW TO COMPLETE THE REPLY BRIEF TEMPLATE

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1. **Read the Pro Se Handbook** – Chapter 11, “What is a Motion and How Do I Make or Respond to One?” explains more fully the motion process, including the requirements for a Reply Brief.
2. **Fill in the case information** – On the top of the first page, write your name, address, and check the box for the division to which your case has been assigned. Write in the plaintiff’s and defendant’s names in the middle of the page. Then, write in the case number and the judge’s name.
3. **Respond to each of the arguments in the Opposition** –
  - a. Go in the same order as the Opposition and use the same numbers/letters to identify your responses. In most cases, Reply Briefs are limited to 10 pages (excluding the title page).
  - b. You should not just repeat arguments made in the Motion. The purpose of the Reply Brief is to directly argue against what is in the Opposition.
  - c. When you mention a fact, say where in the Declarations filed with the Motion or Opposition the Court can find the supporting evidence (just as you did in the Motion). If you have questions about any argument or the cases used in the Opposition, contact the Legal Help Center (see page 1).
4. **Review and sign your Reply Brief** – Read your Reply Brief, making sure all blanks are filled in, and to confirm that all the statements are true. Each person submitting the Reply Brief must sign it.
5. **Prepare the Certificate of Service** – Each document that you file must be “served” on each other party, usually by sending it in the mail. A Certificate of Service is a paper that lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions on it. If all parties (including you) are registered ECF filers, you do not need to prepare or file a Certificate of Service.
6. **Go to the hearing** – Sometimes the Court needs to reschedule or cancel hearing dates. Check your email/mail regularly in the days leading up to the hearing. Be sure to show up at Court for the hearing date. You must follow whatever decision is made at or after the hearing and any instructions from the Court.

## ★ FILING & SERVING YOUR REPLY BRIEF

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1. **Copies** – Make three copies. Once you have completed and signed your Reply Brief and Certificate (if needed), make three copies of each. On one copy of the documents, write “Chambers” on the top in pen. (If there is more than one plaintiff or defendant, you will also need one additional copy for each of them.) ECF users do not need to include a chambers copy. See Civil Local Rule 5-1(d)(7).
2. **Serve the Reply Brief** – Be sure that the Reply Brief and Certificate are served on each other party. If you are filing electronically, your document is considered served when filed. See Civil Local Rule 5-1(h)(1).
3. **File the Reply Brief** – Deliver or mail the original plus two copies of the Reply Brief and Certificate to the Clerk’s Office at the federal courthouse where the Judge hearing your case is located. The Clerk will take the original and the copy marked “Chambers” of each document. The other copy is for you to keep after it is stamped by the Clerk.
  - a. **File by mail** – If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.

- b. **File electronically** – If you are an electronic filer, follow the instructions for electronic filing, which can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/>.
- c. **Register to become an e-filer** – The registration information to become an e-filer can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/setting-up-my-account/e-filing-self-registration-instructions-for-pro-se-litigants/>.

## ★ WHAT'S NEXT?

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The timeline below lists what generally happens after the Reply Brief is filed. The Legal Help Centers (see page 1) can provide guidance about these steps.



\* Usually within a few weeks of hearing date.

## ★ STAY UP TO DATE

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1. **Communications** – Check your mail and tell the Court if you move. You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Tracking** – Keep track of your case. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the Pro Se Handbook Chapter 7 and contact the Legal Help Center to learn to access documents.
3. **Guidance** – Visit the Legal Help Center for more information about what happens next.

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Your Name: \_\_\_\_\_

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

Email Address: \_\_\_\_\_

Pro Se

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Division [check one]:  San Francisco  Oakland  San Jose  Eureka-McKinleyville

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff,  
v.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant.

Case No. \_\_\_\_\_

**REPLY BRIEF IN SUPPORT OF MOTION**

[type of motion]

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

COURTROOM: \_\_\_\_\_

Judge: Hon. \_\_\_\_\_

**ARGUMENT**

Explain your response to each of the arguments made by the opposing party in their Opposition to your Motion. Go in the same order as the Opposition, if possible. Do not just repeat arguments made in your Motion, instead try to state why the arguments made in the Opposition are wrong. If you can refute each argument, you should do so in your Reply Brief. Otherwise, you can just include the arguments in your Reply Brief for which you have a counterargument.

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REPLY BRIEF

Case No.: \_\_\_\_\_

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JDC TEMPLATE, UPDATED 8/2024

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23 The Reply Brief should not be longer than 10 pages of writing. You must sign and date.

24 Respectfully submitted,

25  
26 Date: \_\_\_\_\_ Signature: \_\_\_\_\_

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

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1 **CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

2 Unless all parties to the case, including you, are electronic filers, you must serve each document you file by sending or  
3 delivering it to the opposing side. Complete this form and include it with the document that you file and serve.

4 1. **Case Name:** \_\_\_\_\_ v. \_\_\_\_\_

5 2. **Case Number:** \_\_\_\_\_

6 3. **What documents were served?** Write the full name or title of the document(s)  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 4. **How was the document served?** Check one:

10  Placed in U.S. Mail

11  Hand-delivered

12  Sent for delivery (e.g., FedEx, UPS)

13  Sent via email [if the other party has agreed to accept service by email]

14 5. **Who did you send the document to?**

15 Write the full name and contact information for each person you sent the document.

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20 6. **When were the documents sent?** \_\_\_\_\_

21 7. **Who served the documents?** Whoever puts it into the mail, emails, delivers, or sends for delivery should sign,  
22 and print their name and address. You can do this yourself.

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

24 Signature: \_\_\_\_\_

25 Name: \_\_\_\_\_

26 Address: \_\_\_\_\_

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