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INJUNCTION AGAINST THE DMV

Prevent Unauthorized Transfer of Your Vehicle

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide. Additional copies of this Guide can be accessed at www.saclaw.org/DMV-inj

BACKGROUND

If you are concerned someone will sell or give away your vehicle without permission, you can request a court injunction to prevent the DMV from transferring title. DMV staffers sometimes make it sound easy to go to court and “file an injunction,” but it is not as simple as it sounds. There is no fill-in-the-blanks form for an injunction, and there are several steps involved.

The first step is to start a lawsuit by filing a *Complaint*. Along with the *Complaint*, file a *Motion for Preliminary Injunction*. Second, file a “[Courtesy Stop](#)” request and a copy of the *Complaint* with the DMV. This will put a hold on transfer for 60 days.

It is likely that the DMV’s lawyer will offer to stipulate (agree in writing) to the injunction. If so, you can cancel your Motion date. If not, you will need to prepare for and attend the hearing for the *Motion for Preliminary Injunction*.

This Guide provides you with forms and instructions to accomplish these steps.

STEP-BY-STEP INSTRUCTIONS

Step 1: Research and Write Your Complaint and Accompanying Papers

Write the Complaint. You need to sue the person or people who are threatening to change the title to your car. Often, you will sue for “conversion,” meaning that they have possession of your car and refuse to return it. However, there are many other possible causes of action (legal theories) that might apply in specific cases. There is a list of resources at the end of this Guide which can help you research the appropriate causes of action. For more information, see our Legal Resource Guide on “Filing a Lawsuit” at www.saclaw.org/filing-new-civil-case.

Do not let your insurance lapse!

As long as the car is in your name, you *must* keep it insured. Even if you are not driving the car, you may be named in a lawsuit over any accidents that take place.

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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Include at least one cause of action demanding the return of the car: If you do not ask for the car back the judge will assume that a monetary award is acceptable to you. As a result, the preliminary injunction preventing transfer of title will not be necessary.

Include one cause of action for injunction against the DMV: Whatever other causes of action (legal theories) you use, you must also include one cause of action for an injunction against the DMV. A customizable template including this cause of action can be downloaded from the Law Library's website, and a sample is attached at the end of this Guide. You will need to fill in any blanks (gray boxes) to fit the specific facts of your case.

You will also need to fill out the standard Judicial Council forms *Summons* (SUM-100) (courts.ca.gov/documents/sum100.pdf) and *Civil Case Cover Sheet* (CM-010) (courts.ca.gov/documents/cm010.pdf).

2: Research and Write Your Motion for Preliminary Injunction

The *Complaint* gets the case started. However, you must also file a Motion with the court to get the injunction you need.

Determining the Department and the Time of the Motion

In Sacramento, most motions are heard in either Department 53 at 2:00 p.m. or Department 54 at 9:00 a.m. Which department your Motion will be in depends on whether your case number is odd (Dept. 53) or even (Dept. 54). When you file the Complaint, the clerk will give you the case number. Write in the department and time on the original and all copies of the Motion before you file it.

2a. Choose a date.

In Sacramento County, the party who files a motion chooses the date for the hearing. There are two things you must get done before the hearing, and you must pick a date that gives you time to do both:

- File the papers in court sixteen court (business) days before the hearing date
- Serve the other party(s) sixteen court (business) days *plus five calendar days if you serve by mail* before the hearing date.

As long as you have time to do both, you can choose any date that works best for you. Remember to make arrangements (child care, time off work, transportation, etc.) to be in court at 9:00 a.m. (even number cases) or 2:00 p.m. (odd number cases) on the day you choose for the hearing.

Filing Deadline: The Motion must be filed with the court at least sixteen *court* days prior to the motion date ([California Code of Civil Procedure \(CCP\) CCP § 1005](#)). Court days are Monday through

Shortcut: 35+ Days

If you choose a date at least thirty-five days after you plan to file the Complaint and Motion, you should have plenty of time.

If you need to have the Motion heard sooner than that, follow the instructions in Section 2a to find the soonest date that gives you time to file and serve the papers.

Remember, you can get a 60-day Courtesy Stop as soon as you file the papers, so in most cases there should be no urgency for the hearing – as long as you set it up right away.

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Friday, excluding court holidays. To determine whether a particular filing date will meet this deadline, start with your desired hearing date and count backward ([CCP § 12c](#)) sixteen court days. Day one is the court day prior to the hearing. The sixteenth court day prior to the hearing is the last possible date that the Motion can be filed with the court.

For example, suppose you wanted to have your Motion heard on June 18, 2012. You would start counting backward using June 15, 2012 as day one. Do not count weekends or court holidays (there is one court holiday in this example, which is Memorial Day, May 28). Your sixteenth court day before the hearing would be May 24, 2012, which would be the last day that the Motion could be filed.

MAY							JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5						1 Day 11	2
6	7	8	Day 5 falls on a weekend, so the last day for service by mail rolls over to the previous court day.			12	3	4 Day 10	5 Day 9	6 Day 8	7 Day 7	8 Day 6	9
13	14	15	16	17	18 Last day to serve by mail	19 Day 5	10	11 Day 5	12 Day 4	13 Day 3	14 Day 2	15 Day 1	16
20 Day 4	21 Day 3	22 Day 2	23 Day 1	24 Day 16 Last day to file	25 Day 15	26	17	18 Hearing Date	19	20	21	22	23
27	28 Holiday	29 Day 14	30 Day 13	31 Day 12			24	25	26	27	28	29	30

Service Deadline: All attorneys or self-represented parties in a case must be served with a copy of the Motion. This means that someone over the age of 18 who is not a party in the case must either

personally deliver a copy of the Motion and related documents to the attorney or self-represented party or mail a copy of the Motion and related documents to the party by first class mail.

If the Motion is personally served, the service must be at least sixteen *court* days prior to the date of the Motion, the same as the minimum filing deadline.

If the Motion is served by first-class mail, additional *calendar* days are added before the sixteen court days—

an additional five calendar days if mailed within California, ten if mailed to an address in another state, and twenty if mailed to another country. ([CCP § 1005](#)). Calendar days include weekends and holidays, but if the final day lands on a weekend or holiday, it is rolled over to the previous court day. So, if June 18, 2012 was the hearing date, the sixteenth court

What if my Motion date is after the 60-day DMV stop runs out?

Request an extension of the DMV's Courtesy Stop by submitting the request form a second time, with a copy of the notice of Motion showing the date your Motion is scheduled. The stop will be extended.

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day before would be May 24, 2012, but counting back five more calendar days results in Saturday, May 19, 2012. Because the fifth day fell on a weekend (or holiday), the deadline for service rolls back to May 18, 2012, the last court day before the mailing deadline.

When choosing the date for your Motion, be sure that you have left enough time for the Motion to be both filed and served.

2b. Write the Motion.

The Motion consists of several required parts. A customizable template can be downloaded from the Law Library's website, and a sample is attached at the end of this Guide.

- **Notice of Motion and Motion for Preliminary Injunction.** In this part, you set the hearing date, explain briefly what you are requesting (the injunction), and include tentative ruling information.
- **Memorandum of Points and Authorities.** In this part, you explain the laws that cover injunctions and the facts which entitle you to an injunction in your particular case.
- **Declaration.** A *Declaration* is a sworn statement about the facts. You are asking the court to consider your *Declaration* as evidence in your case. It should state all of the facts necessary for the court to consider, and have attached all of the exhibits (photos, documents, and other evidence) that you wish the court to consider. Depending on the circumstances of your case, your *Declaration* may be short or long. Regardless of length, it must be sufficient to establish to the court's satisfaction that the injunction is necessary. If someone else knows the facts you need to prove your argument, have them fill out and sign their own *Declaration*.
- **[Proposed] Order.** Along with your Motion, you will need to submit a *[Proposed] Order* granting your preliminary injunction, so that the Judge can sign off on it easily.

Declaration Tips

Your Declaration should be consistent with the facts set forth in your Complaint, but is typically written in the first person, since it is the statement of the person signing the Declaration. Unlike the Complaint, which may contain facts for several causes of action, the Declaration supporting the Motion should focus on the specific facts that the court must consider in deciding whether to grant an injunction. You will sign it under penalty of perjury. Each separate fact should be explained in a numbered paragraph, so that you can easily refer to that fact in other documents.

The Declaration is the most important part of the Motion. The judge generally makes a decision on the Motion the day before the hearing date, based only on the paperwork, so the Declaration(s) and exhibits must contain everything needed justify the injunction.

It is possible to have more than one supporting Declaration. If your Motion relies on statements by someone other than you, you should obtain a Declaration from the person who made those statements to avoid problems with "hearsay." Chapter 16 of Nolo's book *Represent Yourself in Court*, which is listed as a resource at the end of this Guide, has a good, plain-English description of the evidence rules regarding hearsay. If obtaining a Declaration from the person who made the statements is not possible, you will need to research whether there is an exception to the hearsay rule that will allow the court to consider your evidence.

Attaching Exhibits

Documents can be attached to a Declaration as exhibits. In the Declaration, identify the document with language such as:

I am the registered owner of a 2002 Toyota Corolla, license plate number 3TXS596, Vehicle Identification Number (VIN) 7842084092307 ("the Vehicle"). A true and correct copy of the registration certificate is attached as Exhibit "A."

Photocopy the registration and write "Exhibit A" on the bottom of the first page. If an exhibit is longer than one page, number each page. If you have other documents to submit, use the same "true and correct" language to attach them as Exhibits B, C, and so forth. A number of rules of evidence govern whether the court may consider a document, typically requiring the declarant to set up a sufficient "foundation" for it to be considered within the declaration. Chapter 15 of *Represent Yourself in Court*, on exhibits, has a good explanation of what is necessary to establish to allow the court to consider different types of evidence.

Important: Sacramento County Superior Court requires each of the *Exhibits* in one of your sets of copies be separated by a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibits for the original and other copies should be separated by a blank piece of pleading paper with their exhibit letter or number (for instance, "Exhibit A") typed or written on the bottom of the page.

Note: The Law Library sells card stock with tabs at the Circulation Desk.




EXHIBIT A

Step 3: File the Lawsuit and Motion, and Pay the Filing Fee

Make two copies of the *Complaint*, *Summons*, and *Civil Case Cover Sheet*. Make three copies of the *Motion for Preliminary Injunction* and *[Proposed] Order*. Staple each of the copies, but leave the original unstapled so that it can easily be scanned by the clerk.

Take them to the [Gordon D. Schaber Courthouse](#) at 720 9th St., Sacramento, CA 95814 and file them. Pay the filing fee. As of the date of this document, the filing fee for an unlimited civil case is \$435; the fee for a limited civil case varies based on how much you are requesting in damages. The fee for filing a Motion is \$60, but since you will be filing your Motion along with the Complaint, this fee will be waived. You can check the current Sacramento County filing fees at www.saccourt.ca.gov/indexes/fees-forms.aspx

Fee Waivers

If you qualify for a fee waiver, you may file a request with the court at the same time. For more information, see the Step-by-Step guide on fee waivers on our website at www.saclaw.org/fee-waiver-guide.

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Do not use the drop box. The Motion should be presented at the filing window along with the Summons and Complaint (so that the department and time may be determined). When you file the Complaint, the clerk will give you the case number. Motions in odd-numbered cases are heard in Department 53 at 2:00 p.m., and motions in even-numbered cases are heard in Department 54 at 9:00 a.m. Before you file the Motion, write the department and time on the original and all copies.

Step 4: Deliver a Copy of the File-Stamped Complaint and the Courtesy Stop Request to the DMV

Once you have the file-stamped Complaint, you can attach it to a [Courtesy Stop Request \(REG-500\)](#) (bit.ly/courtesy-stop) and send it to the DMV to prevent title from being transferred for 60 days. You can fax it to 916-657-6056, or mail or deliver it to:

Department of Motor Vehicles
Registration Operations Division
Field Office Support Unit
Attn: Courtesy Stops
2415 First Ave., MS C250
Sacramento CA 95818

This automatically stops the DMV from transferring title for 60 days. If your hearing hasn't taken place by then, you can submit the Courtesy Stop Request again (with court document showing the date of an upcoming hearing on the injunction) to get an extension.

You still need to serve the DMV in Step 5. This step just gets the Courtesy Stop Request in effect right away.

Step 5: Have the Complaint, the Motion, and Related Papers Personally Served on All Parties

Someone over the age of 18 – **NOT YOU**—needs to serve (personally deliver) copies of the following documents to the DMV and the other defendant(s) in the case:

- *Complaint*
- *Civil Case Cover Sheet* (CM-010) (www.courts.ca.gov/documents/cm010.pdf)
- *Summons* (SUM-100) (www.courts.ca.gov/documents/sum100.pdf)
- *Alternative Dispute Resolution Information Package* (CV-E-100) (www.saccourt.ca.gov/forms/docs/cv-adr-information-package.pdf) (information only)
- Unlimited cases in Sacramento only:
 - *Stipulation and Order to Mediation - Unlimited Civil* (CV-E-179) (www.saccourt.ca.gov/forms/docs/cv-179.pdf) (blank copy—do not fill out)
 - *Program Case Notice for Unlimited* (CV-E-143U) (www.saccourt.ca.gov/forms/docs/cv-143u.pdf) (information only)
- *Motion for Preliminary Injunction and [Proposed] Order* (you could have the Motion and Order served by mail, but having them served along with the Summons and Complaint saves a step).

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Step 6: File the Proof of Service of Summons in Court

The server will need to fill out a Proof of Service of Summons (POS-010) (www.courts.ca.gov/documents/pos010.pdf) for each party, sign it, and return it to you. File these in court.

Step 7: Review any Opposition to the Preliminary Injunction

The other parties have the opportunity to oppose the Preliminary Injunction. Their deadline is nine court days before the hearing (plus 5 calendar days if they serve you by mail). If you receive any opposition, read it carefully to understand their arguments. You are entitled to file a reply if you choose (deadline: five court days before hearing), but you are not required to do so.

The DMV's lawyer may contact you to offer a stipulation to the injunction. If so, you can sign it and submit it to the court for the judge to sign, then cancel the hearing. (Make sure to let all parties know it's canceled!)

Step 8: Review the Tentative Ruling the Court Day before the Hearing and Schedule Argument by 4 p.m. if Necessary

Pursuant to [Local Rule 1.06](#), the judge in most departments, including 53 and 54, will make a tentative ruling on your motion by 2:00 p.m. the court day **before the hearing**. **You then have two hours to request oral argument**, if you choose to do so.

You may read the tentative ruling online or call the assigned department to hear it. For more information, see the Sacramento County Superior Court's website at www.saccourt.ca.gov/civil/motions-hearings-tentative.aspx.

Closely review the tentative ruling. Since you are making the Motion, you are looking for your Motion to be "GRANTED." Sometimes the judge needs more information to decide, and will specifically order the parties to appear. Be sure to read the tentative ruling very carefully to make sure you understand each part of it.

If you are not happy with the tentative ruling, and wish to present oral argument in front of the judge, you must call all attorneys and/or self-represented parties, and the clerk for Department 53 ((916) 874-7858) or Department 54 ((916) 874-7848) no later than 4:00 p.m. the court day before your hearing and state that you are requesting oral argument on the Motion.

If you are happy with the tentative ruling, you **do not** need to do anything. You won't have to go to court unless the tentative ruling orders you to appear, or the other side calls before 4:00 p.m. If either of those happen, you should go to the court hearing and be prepared to explain your argument.

WARNING!

**Your hearing
will
be canceled**

If neither you nor the other party calls the court, the hearing will be canceled and you will not be permitted to talk to the judge.

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If neither party requests oral argument by 4:00 p.m., the court will simply make the tentative ruling official, and no oral argument will be permitted. If a party requests oral argument, the court will make its ruling after the oral argument, either in court or by mail a few days later.

Step 9: Attend the Hearing, if Necessary

If you or the other party request oral argument, arrive early. There will probably be other cases scheduled at the same time; there is usually a list posted on the wall outside the courtroom showing the order in which cases will be heard. Go into the courtroom and check in with the bailiff or clerk.

When your name is called, be ready to speak and to answer any questions the judge has. You will only have a few minutes. After both sides speak, the judge may make a decision right away, or may “take it under consideration” and mail out the decision in a few days.

Department 53 and 54, where most Law and Motion cases are heard, are not in the main courthouse; they are across the street at 800 9th St., third floor.

NEXT STEPS

If your case involves a person wrongfully withholding physical possession of your vehicle from you, you can ask the judge to order them to give it back right away. This order is called a “writ of possession.” The writ of possession is not covered in this Guide. Ask the Reference Librarian for information about writs of possession if you wish to request one.

The defendant or defendants, other than the DMV, must file a response to the Complaint within 30 days of being served. If they do not, you can request a default judgment (see our guides on “Request a Default Judgment by Clerk” and “Request a Default Judgment by Court”). If they do, the parties can begin discovery, the process by which you gather information to prove your case (see our guides on Discovery at www.saclaw.org/law-101/discovery-topic/).

FOR HELP

Sacramento County Public Law Library Civil Self Help Center

609 9th Street, Sacramento 95814

www.saclaw.org/self-help/civil-self-help-center/

Services Provided: The Sacramento County Public Law Library Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. The Self-Help Center cannot assist with injunctions, but they may be able to assist with the underlying case between you and the defendant.

Appointments are Monday-Friday beginning at 8:30 a.m. Patrons who are present at 8:30 a.m. will be entered into a random drawing to determine the order their case will be evaluated. If an appointment is appropriate, it will be made for later in the day. You are encouraged to arrive by 8:25 a.m. to participate in the appointment-setting drawing.

Eligibility: Must be a Sacramento County resident or have a [qualifying](#) case in the Sacramento County Superior Court.

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FOR MORE INFORMATION

On the Web

Sacramento County Superior Court

“Motions and Hearings”

www.saccourt.ca.gov/civil/motions-hearings.aspx

This page contains information on motions in Sacramento.

“Filing Instructions and Procedures: New Complaint, Petition, or Appeal of the Labor Commissioner”

www.saccourt.ca.gov/civil/filing-instructions.aspx#complaint

This page explains filing procedures for various types of papers, including new complaints.

At the Law Library

California Forms of Pleading and Practice [KFC 1010 .A65 C3](#)

Chapter 303, “Injunctions,” has in-depth information on temporary restraining orders and injunctions. Other chapters have sample complaints for various causes of action which you may use to write your Complaint (Step 1), including:

- Chapter 119, “Claim and Delivery,” includes a sample complaint for “possession of personal property.”
- Chapter 140, “Contract,” includes sample complaints for various breach of contract situations.
- Chapter 150, “Conversion,” includes sample complaints for “conversion.”

Electronic Access: On the Law Library’s computers, using the *Matthew Bender CD* or *LexisAdvance*.

Win Your Lawsuit [KFC 968 .D86](#)

This book does not cover restraining orders, but it can help you draft the underlying complaint. It contains sample filled-out forms for breach of contract, personal injury, and related causes of action.

Electronic Access: From any computer (Library or home) via the Legal Information Reference Center. Instructions are available on our website at www.saclaw.org/nolo-ebooks.

Represent Yourself in Court [KF 8841 .B47](#)

This book contains information on preparing for and conducting hearings. Chapter 16 has a good, plain-English description of the evidence rules, including hearsay.

Electronic Access: From any computer (Library or home) via the Legal Information Reference Center. Instructions are available on our website at www.saclaw.org/nolo-ebooks.

California Causes of Action [KFC 1003 .C35](#)

This book describes many of the common causes of action. It comes with a CD-ROM with sample complaints that you can easily download and customize.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN

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ATTACHMENTS: FORMS AND INSTRUCTIONS

FORMS

There is no Judicial Council form for this procedure. Instead, the relevant documents must be typed on 28-line pleading paper. Customizable templates may be downloaded from these links:

1. Complaint Template
www.saclaw.org/wp-content/uploads/sbs-DMV-complaint-template.rtf
2. Motion and Proposed Order Template
www.saclaw.org/wp-content/uploads/sbs-DMV-motion-template.rtf

Sample filled-in forms with instructions are available at the end of this Guide.

In addition, all new Complaints require the following two Judicial Council forms:

3. *Summons* (SUM-100)
courts.ca.gov/documents/sum100.pdf
4. *Civil Case Cover Sheet* (CM-010)
courts.ca.gov/documents/cm010.pdf

If the case is in Sacramento, include (but do not fill out):

- *Alternative Dispute Resolution Information Package* (CV\E-100)
www.saccourt.ca.gov/forms/docs/cv-adr-information-package.pdf
- Unlimited cases in Sacramento only:
 - *Stipulation and Order to Mediation - Unlimited Civil* (CV-E-179)
www.saccourt.ca.gov/forms/docs/cv-179.pdf
 - *Program Case Notice for Unlimited* (CV\E-143U)
www.saccourt.ca.gov/forms/docs/cv-143u.pdf

Finally, you will need a form from the Department of Motor Vehicles to stop the transfer immediately:

5. Courtesy Stop Request
bit.ly/courtesy-stop

Download the blank forms from these links.

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28

Patricia Plaintiff
4679 Oak Drive
Sacramento, CA 95814
916-555-9975

Patricia Plaintiff
Plaintiff in Pro Per

IMPORTANT: RED boxes and text are instructions, and are not part of your completed document. Erase them before finalizing.

Text that appears in **BLUE** is text you will change to fit your case. When you print your document, be sure to use **BLACK** ink for your text. **THE COURT WILL REJECT YOUR DOCUMENTS IF THEY HAVE BLUE TYPE!**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

You will receive a case number when you file your complaint (Step 4).

PATRICIA PLAINTIFF,

Plaintiff,

vs.

DAVID DEFENDANT, STATE OF CALIFORNIA DEPT. OF MOTOR VEHICLES, **JEAN SHIOMOTO** IN HIS/HER CAPACITY OF DIRECTOR OF DMV ONLY, and DOES 1-25,

Defendants

Case No.: _____

COMPLAINT FOR **CONVERSION** AND FOR PRELIMINARY INJUNCTION

Plaintiff alleges:

GENERAL ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

1. Plaintiff **Patricia Plaintiff** is, and at all times herein mentioned was, a natural person residing in **Sacramento** County, California.

1 2. Defendant **David Defendant** is, and at all times herein mentioned was, a natural person
2 residing in **Sacramento** County, California.

3 3. Plaintiff is informed and believes, and thereon alleges, that defendant **name of current**
4 **DMV Director**, in his/her official capacity only, is the Director of the California Department of
5 Motor Vehicles, and has official authority to accomplish all of the matters herein requested of the
6 Court.

7 4. Plaintiff is informed and believes, and thereon alleges, that defendant State of California
8 Department of Motor Vehicles (“DMV”) is the official and duly constituted governmental entity with
9 the exclusive authority and ability to record and effect the public record of transfers of title of motor
10 vehicles in the State of California.

11 5. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1–
12 25, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this
13 complaint to allege their true names and capacities when ascertained.

14 6. At all times herein mentioned, and in particular on or about **June 1, 2016**, plaintiff was,
15 and still is, the owner and was, and still is, entitled to the possession of the following personal
16 property: a **2002 Toyota Corolla**, license plate number **3TXS596**, Vehicle Identification Number
17 (VIN) **7842084092307** (“the Vehicle”). A true and correct copy of the registration certificate is
18 attached as Exhibit “**A.**”

19 7. On or about **June 1, 2016**, and at **City of Sacramento, Sacramento** County, California,
20 the Vehicle had a value of **\$2400**.

21
22
23
24
25
26 **The facts included in the Complaint should be essentially the same as facts you use in the**
27 **Declaration(s) you will submit along with your motion for Preliminary Injunction, except here, they are**
28 **written in the third person (“the plaintiff” instead of “I”).**

Insert appropriate cause(s) of action against the person or people who has your car. Number each paragraph, continuing the numbers from the previous section.

“Conversion” (basically the civil version of theft) is a commonly used theory in these cases. Here is sample language for that cause of action. Conversion may not be appropriate in your case, or other causes of action may also be appropriate. See the librarian for more information about researching and writing this section.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

DAVID DEFENDANT AND DOES 1-5 ONLY

(For Conversion)

11. The allegations in paragraphs 1- **last paragraph # above** above are re-alleged and incorporated herein by reference.

13. **[Describe how the defendant obtained the Vehicle.]** On or about **March 1, 2016**, plaintiff **loaned the Vehicle to the defendant with an oral agreement that defendant would return the Vehicle when his own vehicle had been repaired. After defendant’s vehicle had been repaired, plaintiff orally demanded that the defendant return the vehicle to plaintiff’s possession, and defendant refused**, thereby converting the Vehicle to his/her own use.

14. **[If the property was initially acquired lawfully from plaintiff, include the following allegation]** On or about **June 1, 2016**, plaintiff **[orally]** demanded the immediate return of the above-mentioned property but defendant failed and refused, and continues to fail and refuse, to return the property to plaintiff. **(A copy of plaintiff’s written demand for return of the property is attached hereto as Exhibit B and made a part hereof.) (A copy of defendant’s written refusal to return the property is attached hereto as Exhibit C and made a part hereof.) [If the return demand or refusal was in writing, say so, and include a copy of the written demand or refusal as an exhibit.]**

15. **[Describe your efforts to get the vehicle back, and any expenses you incurred.]** Between the time of defendant’s conversion of the Vehicle to his/her own use and the filing of this action, plaintiff **[hired a private investigator to try to locate the car, took time off work to try to retrieve**

This sample language refers to the cause of action for conversion. If conversion is not appropriate in your case, ignore the content of this section and insert the appropriate cause(s) of action for your case.

1 **the car at a time when defendant claimed he would be available, etc.],** all to plaintiff's further
2 damage in the sum of **\$150.**]

3 **9. [Describe what facts cause you to think the defendant may try to sell the Vehicle.]**

4 **10. [Add additional numbered paragraphs and exhibits if necessary.]**

5 *Add additional causes of action if desired, numbering each one.*

6
7 **IMPORTANT:** No matter what other causes of action you use, the last cause of action must be for
8 PRELIMINARY INJUNCTION against the DMV and its director.

9 **[SECOND] CAUSE OF ACTION AGAINST DEFENDANTS**

10 **[CURRENT DIRECTOR OF DMV], DMV, AND DOES 6-25 ONLY**

11 (For Preliminary Injunction)

12
13 11. The allegations in paragraphs 1- **last paragraph # above** above are re-alleged and
14 incorporated herein by reference.

15 12. Defendant **David Defendant** may attempt to transfer the Vehicle at any time. Unless an
16 injunction is granted, the DMV's routine transfer of title would be in violation of plaintiff's rights as
17 alleged above, tending to render a later judgment ineffectual, and would cause him/her great or
18 irreparable injury through the loss of possession and control of his/her personal property, for which
19 there is no adequate remedy at law.

20
21 13. By preventing such a transfer, the requested preliminary injunction will prevent the
22 multiplicity of suits which may be otherwise be required to determine rights, liabilities and damages
23 as between plaintiff, defendant, and any third-party purchaser(s).

24
25 PRAYER

26 WHEREFORE, plaintiff prays judgment as follows:
27
28

1 1. For a preliminary injunction enjoining defendants **Current Director of DMV** and DMV,
2 and their agents, servants, and employees, and all persons acting under, in concert with, or for them,
3 from transferring any right, title, or interest in or to the **2002 Toyota Corolla**, license plate number
4 **3TXS596**, Vehicle Identification Number (VIN) **7842084092307** (“the Vehicle”);

5 2. For possession of the **Vehicle** or, if the Vehicle cannot be delivered, for its value according
6 to proof, against defendant **David Defendant and Does 1-5**;

7 3. For damages according to proof, against defendant **David Defendant and Does 1-5**;

8 4. ~~[Erase this paragraph unless alleging conduct that merits punitive damage, e.g., fraud.]~~ For
9 exemplary and punitive damages against defendant **David Defendant and Does 1-5**;

10 5. For costs of suit herein incurred; and

11 6. For such other and further relief as the court may deem proper.

12
13
14 DATED: **Aug. 1, 2016**

15
16 *Patricia Plaintiff*
17 **Patricia Plaintiff**
18 In Pro Per

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STATE OF CALIFORNIA
CERTIFICATE OF TITLE

VEHICLE HISTORY

VEHICLE ID NUMBER _____ YR MODEL _____ MAKE _____ PLATE NUMBER _____

BODY TYPE MODEL _____ UNLOADED AX. WEIGHT _____ FUEL _____ TRANSFER DATE _____ FEES PAID _____ REGISTRATION EXPIRATION DATE _____

YR 1ST SOLD _____ CLASS _____ YR _____ MO _____ EQUIPMT/TRUST NUMBER _____ ISSUE DATE _____

MOTORCYCLE ENGINE NUMBER _____ ODOMETER DATE _____ ODOMETER READING _____

REGISTERED OWNER(S) _____

I certify under penalty of perjury under the laws of the State of California, that THE SIGNATURE(S) BELOW RELEASES INTEREST IN THE VEHICLE.

11. _____ DATE _____ X _____ SIGNATURE OF REGISTERED OWNER

11. _____ DATE _____ X _____ SIGNATURE OF REGISTERED OWNER

Federal and State law requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

The odometer now reads _____ (No terms), miles and to the best of my knowledge reflects the actual mileage unless one of the following statements is checked.

WARNING Odometer reading is not the actual mileage. Mileage exceeds the odometer mechanical limits.

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

DATE _____ SIGNATURE OF REGISTERED OWNER _____ X

POWER OF ATTORNEY FOR SIGNING _____

IMPORTANT READ CAREFULLY
... must be reported to the Department of Motor Vehicles within _____

2. X _____
Signature releases interest in vehicle. (Company names must be countersigned)
Release Date _____

CA 000000000

REG. 17.00FF (REV 10/03)

VOID IF ALTERED

Important: Sacramento County Superior Court requires each of the *Exhibits* in one of your sets of copies be separated by a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibits for the original and other copies should be separated by a blank piece of pleading paper with their exhibit letter or number (for instance, "Exhibit A") typed or written on the bottom of the page.

Note: The Law Library sells card stock with tabs at the Circulation Desk.

EXHIBIT A

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May 19, 2016

Dear David,

When I loaned you my car you said you would return it after your car was fixed, or when I needed it back. I saw you driving your car yesterday, so it must be fixed.

Please drop the car off at my house Saturday, May 21. I will be home all day.

Thanks,

Patricia

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

David Defendant, State of California Dept. of Motor Vehicles, Jean
Shiomoto in His/Her Capacity as Director of DMV Only, and Does 1-25

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Patricia Plaintiff

List all defendants **EXACTLY AS THEY ARE WRITTEN ON THE COMPLAINT**. Failure to list them exactly as written on the complaint is the most common reason for a summons to be rejected by the court.

Type your name.

If there is not enough room for all defendants

Type "Additional Parties Form is attached" in the "Defendants" area. Download, fill out, and attach the "Additional Parties Attachment," www.courts.ca.gov/documents/sum200a.pdf.

Enter the address and branch of the court.

NOTICE! You have been sued. The court may decide against you without your being heard unless you file a response on time. A letter or phone call will not protect you. Your written response must be filed within 30 days after this summons and legal papers are served on you to file your response.

There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court. There are other legal requirements. You may want to contact a nonprofit legal referral service. If you cannot afford an attorney, you may be able to get help from these nonprofit groups at the California Legal Services (www.courtinfo.ca.gov/selfhelp), or by contacting your local legal aid office. There may be costs on any settlement or arbitration award or mediation. **¡AVISO! Lo han demandado. Si no responde a tiempo, puede perder el caso por defecto, y sus salarios, dinero y bienes sin más avisos.**

Tiene 30 DÍAS DE CALENDARIO después de que se le entregue este sumario para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procese el caso. Puede encontrar estos formularios de la corte en la biblioteca de leyes de su condado o en la corte o en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor neto. **¡AVISO! Lo han demandado. Si no responde a tiempo, puede perder el caso por defecto, y sus salarios, dinero y bienes sin más avisos.** Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor neto.

an attorney, you may want to call an attorney or a nonprofit legal services program. You can locate these groups at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local legal aid office. There may be costs on any settlement or arbitration award or mediation. **¡AVISO! Lo han demandado. Si no responde a tiempo, puede perder el caso por defecto, y sus salarios, dinero y bienes sin más avisos.** Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor neto.

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The name and address of the court is:
(El nombre y dirección de la corte es):
Gordon D Schaber Sacramento County Courthouse
720 Ninth St., Sacramento CA 95814

CASE NUMBER:
(Número del Caso):
Leave blank

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Patricia Plaintiff, 4679 Oak Drive, Sacramento CA 94814, 916-555-1212

DATE: *Leave blank* Clerk, by *Leave blank*, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

- NOTICE TO THE PERSON SERVED:** You are served
- 1. as an individual defendant.
 - 2. as the per: *Leave blank* specify):
 - 3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
 - 4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar No., Address, Telephone No., Fax No.)
 Patricia Plaintiff
 4679 Oak Drive
 Sacramento, CA 95814

TELEPHONE NO.: 916-555-1212 FAX NO.:
 ATTORNEY FOR (Name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
 STREET ADDRESS: 720 Ninth St.
 MAILING ADDRESS:
 CITY AND ZIP CODE: Sacramento, CA 94814
 BRANCH NAME: Gordon D. Schaber Sacramento County Court

CASE NAME:
 Plaintiff v. Defendant, et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
 Filed by (C) *Leave blank* defendant (3.402)

CASE NUMBER: *Leave blank*
 JUDGE: *Leave blank*
 DEPT: *Leave blank*

Enter your current name, address and phone "In Pro Per" means you're representing yourself.

Enter the county, address and branch of the court.

Enter the case name (your name v. the defendants' names). "et. al." means "and others."

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
 Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
 Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
 Business tort/unfair business practice (01)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment
 Wrongful termination (36)
 Other employment (15)

Contract
 Breach of contract/warranty (06)

Judicial Review
 Asset forfeiture (05)
 Petition re: arbitration award (03)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
 Trade regulation (03)
 Construction defect (10)
 Construction litigation (40)
 Construction litigation (28)
 Environmental/Toxic tort (30)
 Coverage claims arising from the above (29)
 Other provisionally complex case (31)

Judgment
 Enforcement of judgment (20)

Miscellaneous Civil Complaint
 RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition
 Partnership and corporate governance (21)

Choose the ONE best description of the case.
 In this sample the main cause of action is for conversion, which is a non-PI/PD/WD (personal injury/property damage/wrongful death) tort. Your case may vary.

Check monetary (in case you cannot obtain the vehicle, you at least want the monetary value), non-monetary (since you want the vehicle returned and an injunction). If you are asking for punitive damages, check that too.

Enter the number of causes of action you included in your Complaint.

2. This case is is not complex under rule 3.400 of the California Rules of Court, factors requiring exceptional judicial management:

a. Large number of separately represented parties
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 c. Substantial amount of documentary evidence
 d. Large number of parties
 e. Coordination of multiple proceedings in other courts
 f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): monetary nonmonetary; declaratory or injunctive relief punitive

4. Number of causes of action (specify): 2

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related cases.

Date: Aug. 1, 2016
 Patricia Plaintiff

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Code of Civil Procedure) (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any other papers filed in the action or proceeding.
- If this case is complex under rule 3.400 of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

The Plaintiff must date and sign the form.

1 Patricia Plaintiff
2 4679 Oak Drive
3 Sacramento, CA 95814
4 916-555-9975

5 Patricia Plaintiff
6 Plaintiff in Pro Per

IMPORTANT: RED boxes and text are instructions, and are not part of your completed document. Erase them before finalizing.

Text that appears in BLUE is text you will change to fit your case. When you print your document, be sure to use BLACK ink for your text. **THE COURT WILL REJECT YOUR DOCUMENTS IF THEY HAVE BLUE TYPE!**

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 FOR THE COUNTY OF SACRAMENTO

11
12
13 **PATRICIA PLAINTIFF,**

14 Plaintiff,

15 vs.

16
17 **DAVID DEFENDANT;** STATE OF
18 CALIFORNIA DEPT. OF MOTOR
19 VEHICLES, **JEAN SHIOMOTO** IN
20 HIS/HER CAPACITY OF DIRECTOR
21 OF DMV ONLY, and DOES 1-25,

22 Defendants

Case No.: _____

You will receive a case number when you file your complaint (Step 4).

NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF **PATRICIA PLAINTIFF**; AND MEMORANDUM OF POINTS AND AUTHORITIES

Cal. Code of Civ. Proc. 526(a)

Date: **[Aug 1, 2016]**

Time: **[9:00 am]**

Location: Dept. **[54.]**

Judge: **[Hon. Raymond M. Cadei]**

Date Action Filed: **[June 24, 2016]**

Trial Date: Not Yet Set

23
24 To defendants **David Defendant, Jean Shiomoto**, and State of California Department of Motor
25 Vehicles, and to their attorney(s) of record:

26
27 NOTICE IS HEREBY GIVEN that on **August 1, 2016**, at **9:00 a.m.**, or as soon thereafter as the
28 matter may be heard, in Department **54** of this court, located at **800 9th Street**, Sacramento,

1 **PATRICIA PLAINTIFF** will, and hereby does, move for a preliminary injunction enjoining
2 defendants **Shiomoto** and DMV, and any of their agents, servants, and employees, from transferring
3 any right, title, or interest in or to the Vehicle during the pendency of this action. The motion will be
4 made on the grounds that the plaintiff is entitled to the relief demanded, which consists of restraining
5 the commission of the act complained of for a limited period; that the commission of the act during
6 the litigation would produce waste, or great or irreparable injury, to the Plaintiff; that the act would
7 violate the Plaintiff's rights, and would tend to render the judgment ineffectual; and that the restraint
8 is necessary to prevent a multiplicity of judicial proceedings.(Cal. Code of Civil Procedure (CCP)
9 526(a)).

10
11 The motion will be based on this notice of motion, on the declaration(s) of **PATRICIA**
12 **PLAINTIFF**, and the supporting memorandum served and filed herewith, on the records and file
13 herein, and on such evidence as may be presented at the hearing of the motion.
14

15 Pursuant to Local Rule 1.06 (A) the court will make a tentative ruling on the merits of this matter
16 by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the
17 department may be downloaded off the court's website. If the party does not have online access, they
18 may call the dedicated phone number for the department as referenced in the local telephone
19 directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and
20 receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court
21 day before the hearing, no hearing will be held.
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25 Dated: **June 25, 2016**

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27 _____
Signature
PATRICIA PLAINTIFF, In Pro Per
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DECLARATION OF **PATRICIA PLAINTIFF** IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION

I, **Patricia Plaintiff**, declare:

1. I am the plaintiff in this action and make this declaration in support of my motion for a preliminary injunction.

2. The facts stated in this declaration are true of my own personal knowledge, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true. If called as a witness in this matter, I could and would competently testify to the matters set forth below.

3. I am informed and believe, and thereon allege that defendant **Jean Shiomoto** (“**Shiomoto**”), in his/her official capacity only, is, and was at all times herein mentioned, the Director of the California Department of Motor Vehicles, and has, and had, official authority to accomplish all of the matters herein requested of the Court.

4. I am informed and believe, and thereon allege that Defendant State of California Department of Motor Vehicles (“DMV”) is the official and duly constituted governmental entity with the exclusive authority and ability to record and effect the public record of transfers of title of motor vehicles in the State of California.

5. I am the true, **[sole]** and registered owner of a **2002 Toyota Corolla**, license plate number **3TXS596**, Vehicle Identification Number (VIN) **7842084092307** (“the Vehicle”). A true and correct copy of the **registration** is attached hereto as Exhibit “A” and made a part of this declaration.

6. **On April 26, 2016, David Defendant (“Defendant”) told me that his car was broken down. He asked me to lend him my Vehicle until his car was fixed, which he said would be about two weeks, when he got paid. He agreed that when his car was fixed he would return the**

1 Vehicle. He also said that he would return the Vehicle earlier if I needed it. I agreed to lend
2 him the car and gave him the keys.

3 7. On May 18, 2016, I saw Defendant drive up to our local supermarket in his own car. I
4 tried to ask when he would return the Vehicle, but he drove away before I could speak to him.

5 8. I have called him several times and texted him asking him to drop the Vehicle off at
6 my house, but he has never responded. I left a note at his house asking him to return it to me on
7 May 21, and never heard back. A true and correct copy of the note is attached hereto as Exhibit
8 "B" and made a part of this declaration.

9 8. I became worried that the reason he won't communicate with me is because he plans
10 to sell the Vehicle to pay his debts. I looked on Craigslist.com and saw an advertisement that I
11 think refers to the Vehicle. I recognize it by its distinctive black and white paint. A true and
12 correct print-out of the advertisement is attached hereto as Exhibit "C" and made a part of this
13 declaration.
14

15 9. Up to now, defendant **David Defendant** has not returned the Vehicle to me.

16 10. Defendant **David Defendant** may sell the Vehicle at any time. Unless a preliminary
17 injunction is granted, I am informed and believe that upon presentation of specific documents,
18 defendants **Shiomoto** and DMV would be required to transfer the title to the Vehicle, in violation of
19 my rights to possession and control of the Vehicle.

20 11. The above facts are within my personal knowledge and I am competent to testify to their
21 truth if called as a witness.

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

24 Dated **June 24, 2016**

25
26 _____
Signature

27 **PATRICIA PLAINTIFF**
28

STATE OF CALIFORNIA
 CERTIFICATE OF TITLE

VEHICLE HISTORY

VEHICLE ID NUMBER _____ YR MODEL MAKE PLATE NUMBER _____
 BODY TYPE MODEL UNLOADED AX WEIGHT FUEL TRANSFER DATE FEES PAID REGISTRATION EXPIRATION DATE _____
 YR 1ST SOLD CLASS YR MO EQUIP/TRUST NUMBER ISSUE DATE _____
 MOTORCYCLE ENGINE NUMBER ODOMETER DATE ODOMETER READING _____
 REGISTERED OWNER(S) _____

I certify under penalty of perjury under the laws of the State of California that THE SIGNATURE(S) BELOW RELEASES INTEREST IN THE VEHICLE.

To: _____ DATE _____ X SIGNATURE OF REGISTERED OWNER _____

To: _____ DATE _____ X SIGNATURE OF REGISTERED OWNER _____

Federal and State law requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

The odometer now reads _____ (No terms), miles and to the best of my knowledge reflects the actual mileage unless one of the following statements is checked.

WARNING Odometer reading is not the actual mileage. Mileage exceeds the odometer mechanical limits.

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

REGISTRATION AND SALES TAX _____ DATE _____ TRANSFERRED TO THE PURCHASER _____
 FIVE-DIGIT PIN OF REGISTRATION PLATE _____ X

READ CAREFULLY
 must be reported to the Department of Motor Vehicles within _____

2. X Signature releases interest in vehicle. (Company names must be countersigned)
 Release Date _____

CA 000000000
 REG. 17.00FF (REV. 10/03)

VOID IF ALTERED

VOID WITHOUT BEAR WATERMARK. HOLD TO LIGHT TO VIEW.

VOID WITHOUT BEAR WATERMARK. HOLD TO LIGHT TO VIEW.

Important: Sacramento County Superior Court requires each of the Exhibits in one of your sets of copies be separated by a rigid sheet of card stock with a tab identifying the letter of the exhibit on the bottom. Exhibits for the original and other copies should be separated by a blank piece of pleading paper with their exhibit letter or number (for instance, "Exhibit A") typed or written on the bottom of the page.

Note: The Law Library sells card stock with tabs at the Circulation Desk.

EXHIBIT A

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May 19, 2016

Dear David,

When I loaned you my car you said you would return it after your car was fixed, or when I needed it back. I saw you driving your car yesterday, so it must be fixed.

Please drop the car off at my house Saturday, May 21. I will be home all day.

Thanks,

Patricia

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CL sacramento > for sale > cars & trucks - by owner

[reply](#)

[prohibited](#)

Posted: 18 days ago

[print](#)

[* prev](#) [▲](#) [next *](#)

❖ **2002 Toyota Corolla - \$1000** 📷

image 3 of 5



2002 toyota corolla

fuel: gas

title status: clean

transmission: automatic

- [safety tips](#)
- [prohibited items](#)
- [product recalls](#)
- [avoiding scams](#)

2002 Corolla runs good looking for \$1000 or best offer as is. moving out of state

SALE

In the memorandum of points and authorities, you identify the applicable law, show how it applies to your facts, and demonstrate that it supports your motion.

MEMORANDUM OF POINTS AND AUTHORITIES

BACKGROUND

Defendant **David Defendant** is wrongfully refusing to return the personal property at issue in this case, **2002 Toyota Corolla**, license plate number **3TXS596**, Vehicle Identification Number (VIN) **7842084092307** (“the Vehicle”), to its owner, Plaintiff. (Plaintiff Decl. ¶¶ **No.5-9**) Plaintiff is informed and believes that Defendant plans to sell or otherwise transfer the Vehicle to a third party. (Plaintiff Decl. ¶ **No. 10**) Plaintiff therefore requests a preliminary injunction preventing defendants **Shiomoto** and DMV, which have the authority and duty to officially record such transfers, from doing so until the resolution of this case.

THE COURT SHOULD ISSUE A PRELIMINARY INJUNCTION PREVENTING THE DMV FROM TRANSFERRING TITLE TO THE VEHICLE DURING THIS ACTION

A. Statutory Authority. Under Cal. Code of Civil Procedure (CCP) § 526(a)(1), an injunction may be granted when it appears by the complaint that the plaintiff is entitled to the relief demanded, and the relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually.

In this case, Plaintiff’s complaint alleges that Plaintiff is entitled to possession and control of the Vehicle (Complaint, ¶ **No. 17**); that Plaintiff is informed and believes that defendant **David Defendant** may attempt to sell or transfer the Vehicle at any time (Complaint, ¶ **No. 23**); and that the DMV’s routine transfer of title would violate Plaintiff’s right to possession and control of the Vehicle (Complaint, ¶ **No. 24**). The preliminary injunction requested in the **[Second]** Cause of Action against **Shiomoto** and the DMV (Complaint, ¶¶ **No. 22-25**) would prevent this transfer temporarily, preserving Plaintiff’s rights until this lawsuit is resolved.

1 An injunction is appropriate when the threatened act would produce waste, or great or
2 irreparable injury to a party to the action (CCP § 526(a)(1)); when it would tend to render the
3 judgment ineffectual (CCP § 526(a)(2)); or when the restraint is necessary to prevent a multiplicity of
4 judicial proceedings (CCP § 526(a)(6)).

5
6 “Irreparable injury” includes a wrong that constitutes an overbearing assumption by one
7 person of superiority and domination over the rights and property of others (Fretz v. Burke (1967)
8 247 Cal. App. 2d 741, 746, 55 Cal. Rptr. 879). In this case, defendant **David Defendant**’s wrongful
9 possession of the Vehicle is an assumption of dominion over Plaintiff’s property, and transfer or sale
10 of the Vehicle would mean that assumption could not be repaired. Enjoining defendants **Shiomoto**
11 and DMV from completing such a transfer is therefore warranted.

12
13 Furthermore, unless enjoined, the transfer of the Vehicle would tend to render the prayed-for
14 judgment of possession in this case ineffectual, since Defendant **David Defendant** would no longer
15 be able to return the Vehicle, and result in a multiplicity of litigation to determine Plaintiff’s rights
16 against a third party, the buyer.

17
18 B. Preservation of Status Quo. A preliminary injunction may be granted to preserve the status
19 quo until a final determination of the merits of the action (Continental Baking Co. v. Katz (1968) 68
20 Cal. 2d 512, 528, 67 Cal. Rptr. 761, 439 P.2d 889; Oiyee v. Fox (2012) 211 Cal. App. 4th 1036, 1047–
21 1060, 151 Cal. Rptr. 3d 65). In this case, the injunction would serve the status quo by preventing
22 Defendant from transferring the Vehicle but permitting Defendant to retain possession until further
23 proceedings.

24
25 C. Likelihood that Plaintiff Will Prevail and the Balance of Hardships. In exercising its
26 discretion, the trial court must consider two interrelated factors: (1) the likelihood that the plaintiff
27 will prevail on the merits of the case at trial, and (2) the harm to be suffered by the plaintiff if the
28 injunction does not issue as compared to the harm to be suffered by the defendant if it does (People v.

1 Grewal (2014) 224 Cal. App. 4th 527, 537–538, 168 Cal. Rptr. 3d 749; Take Me Home Rescue v.
2 Luri (2012) 208 Cal. App. 4th 1342, 1350–1353, 146 Cal. Rptr. 3d 461). The Complaint and
3 Declaration present solid grounds for finding that the Plaintiff is entitled to return of the Vehicle. The
4 granting of the injunction would be a significant benefit to the Plaintiff (preserving the right to
5 receive the Vehicle instead of a money judgment of dubious collectability) while imposing only a
6 minor burden on the Defendant. Even if the Defendant ultimately were to prevail, the injunction
7 would simply delay the Defendant’s ability to transfer the Vehicle.
8

9 For all of the above reasons, Plaintiff respectfully requests that the Court grant this motion for
10 a preliminary injunction enjoining defendants **Shiomoto** and DMV, and any of their agents, servants,
11 and employees, from transferring any right, title, or interest in or to the Vehicle during the pendency
12 of this action.
13

14
15 Respectfully submitted,

16
17 Dated: **[Jun 24, 2016]**
18

19
20 _____
Signature
Patricia Plaintiff, In Pro Per
21
22
23
24
25
26
27
28

1 Patricia Plaintiff
2 4679 Oak Drive
3 Sacramento, CA 95814
4 916-555-9975

5 Patricia Plaintiff
6 Plaintiff in Pro Per

IMPORTANT: RED boxes and text are instructions, and are not part of your completed document. Erase them before finalizing.

Text that appears in BLUE is text you will change to fit your case. When you print your document, be sure to use BLACK ink for your text. **THE COURT WILL REJECT YOUR DOCUMENTS IF THEY HAVE BLUE TYPE!**

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 FOR THE COUNTY OF SACRAMENTO

11 **PATRICIA PLAINTIFF,**

12 Plaintiff,

13 vs.

14 **DAVID DEFENDANT;** STATE OF
15 CALIFORNIA DEPT. OF MOTOR
16 VEHICLES, **JEAN SHIOMOTO** IN
17 HIS/HER CAPACITY OF DIRECTOR
18 OF DMV ONLY, and DOES 1-25,

19 Defendants

Case No.:

[PROPOSED] ORDER FOR
PRELIMINARY INJUNCTION

Date: [Aug 1, 2016]

Time: [9:00 am]

Location: Dept. [54.]

Judge: [Hon. Raymond M. Cadei]

Date Action Filed: [June 24, 2016]

Trial Date: Not Yet Set

You will receive a case number when you file your complaint (Step 4).

20 The motion of Plaintiff **Patricia Plaintiff** for a preliminary injunction preventing the State of
21 California Department of Motor Vehicles (DMV) and **Jean Shiomoto**, in his/her capacity as the
22 Director of DMV only, from transferring title to the vehicle at issue in this lawsuit came on regularly
23 for hearing on [August 1, 2016]. Plaintiff **Patricia Plaintiff** appeared in pro per; defendant David
24 Defendant appeared _____; Defendant DMV appeared by counsel
25 _____.

26 On proof made to the satisfaction of the court that the motion ought to be granted:

27 IT IS ORDERED that during the pendency of this action the State of California Department
28 of Motor Vehicles (DMV) and **Jean Shiomoto**, in his/her capacity as the Director of DMV only, and

1 each of them, and their officers, agents, employees, representatives, and all persons acting in concert
2 or participating with them, are enjoined and restrained from engaging in, committing, or performing,
3 directly or indirectly, by any means whatsoever, any of the following acts: transferring any right, title,
4 or interest in or to the Vehicle during the pendency of this action.

5
6 Dated: _____

7 _____
8 Judge of the Superior Court

SAMPLE



COURTESY STOP REQUEST

For expeditious handling, this request may be faxed to: (916) 657-6056, or it can be mailed to:

Department of Motor Vehicles
Registration Operations Division
Field Office Support Unit
Attn: Courtesy Stops
2415 First Avenue, MS C250
Sacramento, CA 95818

DATE OF REQUEST
02/2016

REQUESTOR NAME Patricia Plaintiff	
REQUESTOR ADDRESS 4679 Oak Drive, Sacramento CA 95814	
REQUESTOR DAYTIME PHONE AND EXTENSION (916) 555-1212	EMAIL ADDRESS pplaintiff@email.com
LICENSE PLATE # OF THE VEHICLE FOR WHICH THE STOP IS REQUESTED 3TXS596	VEHICLE IDENTIFICATION NUMBER (VIN) 784208409...
VEHICLE MAKE Toyota	VEHICLE YEAR MODEL 2003 Corolla

I request a Vehicle License & Title (VLT) Courtesy Stop **be placed** on the above described vehicle record for the following reasons:

I loaned David Defendant my car while his car was fixed. After his car was fixed he refused to return my car. He placed an ad on Craigslist listing the car for sale without my permission.

Important: A copy of the complaint or petition requesting injunctive relief (AKA temporary restraining order [TRO]) filed and stamped by the court must accompany this request.

- I request an **extension** of the current VLT Courtesy Stop expiration. A copy of the court date must accompany this request.
- I request **removal** of the VLT Courtesy Stop I previously requested.

I understand that I must serve the Director of the Department of Motor Vehicles with the injunctive relief within 60 days at the above address.

Please Note: If you provided your email address above, you will be notified by email once this request has been processed. Once the courtesy stop is placed, it will remain on the record for 60 days unless a request for removal or extension is received from the requestor. Please do not call to request the removal of the stop. If the injunctive relief is not served within 60 days, the stop will be automatically deleted from the record and the file closed.

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

REQUESTOR'S PRINTED NAME Patricia Plaintiff	DRIVER LICENSE OR IDENTIFICATION CARD NUMBER C1234567
REQUESTOR'S SIGNATURE X	TECHNICIAN'S DATE LINE STAMP (IF AVAILABLE)