

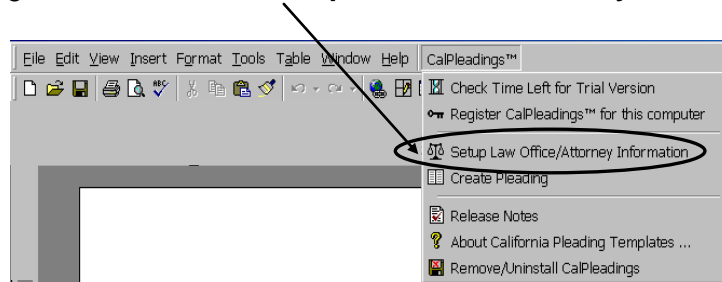
CalPleadings™ Reference Guide

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Word Automation
1010 University Avenue
Suite 1570
San Diego, CA 92103
619-819-8224
info@wordautomation.com
www.wordautomation.com

Setup Information for your Law Office and Attorneys

1. On the CalPleadings™ menu, choose **Setup Law Office/Attorney Information**



2. Enter the name, address, phone & fax numbers of your law office, as shown in this example:

Please enter the following information for your law office, as you want it appear on the caption page of pleadings you create for California courts.

Name of Law Office:

Address:

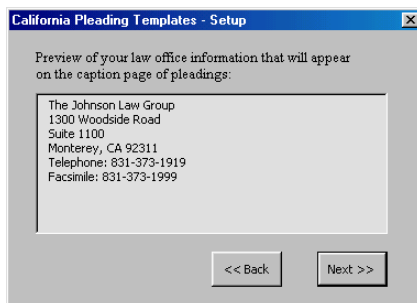
Phone:
Type phone information exactly as you want it to appear on the caption page

Fax:
Type fax information exactly as you want it to appear on the caption page

Click **Next** when finished.

3. Preview of the information you entered in Step 2 is displayed.

Preview screen corresponds to the information shown at top of Page 1 of a pleading you create with CalPleadings, as shown in this example:



1	Frances P. Johnson, SBN 199883
2	Timothy R. Gonzales, SBN 109311
3	The Johnson Law Group
4	1300 Woodside Road
5	Suite 1100
6	Monterey, CA 92311
7	Telephone: 831-373-1919
8	Facsimile: 831-373-1999
9	Attorneys for Defendants
	Mary and Timothy Robinson
	IN THE SUPERIOR COURT OF THE STATE OF CALIF
	COUNTY OF SAN MATEO

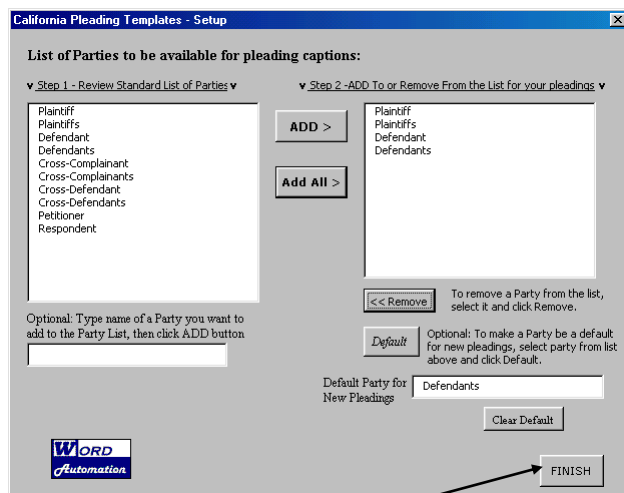
4. Select the **style** of Attorney Name and California State Bar Number.

Click **Next** when finished.

5. Enter *attorney name* and *State Bar Number*, then click **Add** button.

When finished adding information for attorneys, click **Next**.

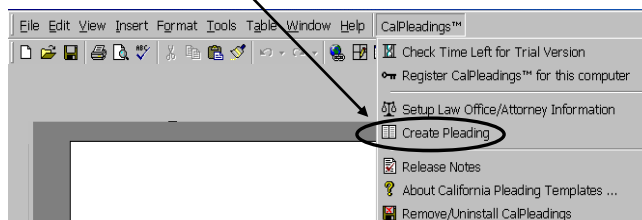
6. Select parties you wish to be available for pleadings you will create with CalPleadings, as shown in this example:



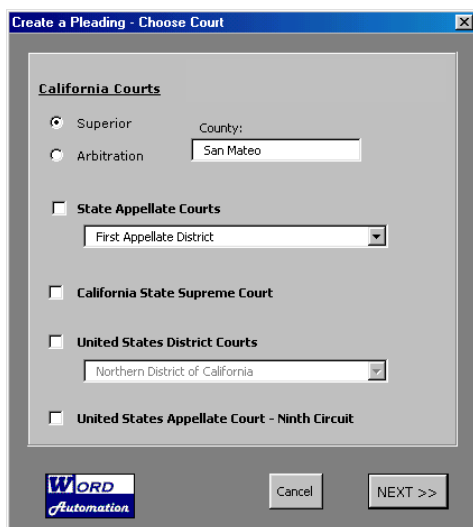
Click **Finish** button.

Create a Pleading

1. On the CalPleadings™ menu, choose **Create Pleading**



2. Select Court for the pleading, and enter the County if pleading is for Superior Court.



Instructions and examples are provided for pleadings in **Superior Court**.

3. Select attorney(s) for the pleading – click dropdown arrow to list all attorneys entered in CalPleadings setup.

Annotations for the 'Set Up Pleading Heading' dialog box:

- Click **Add** to insert the Attorney name & state bar number
- Click **Signed By** to insert the Attorney name who will sign the pleading
- Click the dropdown arrow to select the **party** your law office represents for this pleading
- optional* Enter the name of the party your law office represents

Click **Next** when finished.

4. Enter information for caption area, as shown in this example:

Annotations for the 'Set Up Pleading Caption and Signature' dialog box:

- You can add text to appear below the title, such as *Hearing Date, Trial Date, Judge, etc.*

Click **Finish** to display the pleading.

5. Pleading appears: adjust position of Court & County text, depending on information that appears at top

Standard position for court line is **Line 8** – delete or add blank lines *above court text* to align first line of court information

Position of first line of body text, below the caption, is determined by amount of text *in and above the caption*. To align body text to a **numbered line** insert or delete paragraphs below caption.

Title of Pleading will automatically print in footer of each page.

Attorney Email Address

Enter text for email address for each attorney listed, if needed. Some courts do not require this information, so if you want to delete this area – just click on the field and press the DELETE key.

Click here to enter Attorney Email Address, if needed

You can enter the word "E-Mail" if you wish to, and indent the email address for additional attorney.

E-mail: fjohnson@johnsonlawgroup.com
tgonzalez@johnsonlawgroup.com

E-mail: fjohnson@johnsonlawgroup.com
tgonzalez@johnsonlawgroup.com

Adjusting Court Lines on Page 1 in Pleadings for Superior or District Court

Note: In complex cases with multiple counsel, as shown in this example, the court text must appear below Line 8. Therefore, you can adjust the position of the court text and caption to any appropriate place. Just add or remove hard returns above court lines.

You can adjust space after court lines – add or delete hard returns.

1	JOHN A. RUSSO, City Attorney #129729 BARBARA J. PARKER, Chief Assistant City Attorney #069722 One Frank H. Ogawa Plaza, 6th Floor Oakland, California 94612 Telephone: (510) 238-3540 Facsimile: (510) 238-6500	[Exempt From Filing Fees Pursuant To Government Code §61031]
2		
3		
4		
5	BARRY H. EPSTEIN #104402 PAUL S. KIBEL #168454 FITZGERALD, ABBOTT & BEARDSLEY LLP 1221 Broadway, 21 st Floor Oakland, California 94612 Telephone: (510) 451-3300 Facsimile: (510) 451-1527	
6		
7		
8	Attorneys for Respondent CITY OF OAKLAND	
9		
10		
11		
12		
13		
14	JOHN ALLEN (d.b.a. "Ace Construction & Development Corp.") Petitioner and Plaintiff, v. CITY OF OAKLAND, a municipal corporation, and DOES 1-50, inclusive Respondents and Defendants.	Case No.: 2001-033063 (UNLIMITED JURISDICTION) REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESPONDENT CITY OF OAKLAND'S DEMURRER AND MOTION TO STRIKE Dept.: 512 (Southern Division) Judge: Hon. Bonnie Lewman Sabraw Trial Date: November 20, 2002 (Writ Claims) Hrg. Date: October 9, 2002 Time: 9:00 a.m.
15		
16		
17		
18		
19		
20		

Controlling Text in Footer of each page in pleadings in Superior and United States District Court

14
15
16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF ALAMEDA
18
19 JOHN ALLEN dba "Ace Construction and
20 Development Corp",
21 Petitioner and Plaintiff,
22 vs.
23 CITY OF OAKLAND, a municipal corporation, and
24 DOES 1-50, inclusive,
25 Respondents and Defendants.
26
27
28

Case No. 2001-033063
UNLIMITED JURISDICTION

REPLY MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
RESPONDENT CITY OF OAKLAND'S
DEMURRER AND MOTION TO STRIKE

Case No. 2001-033063 1
REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESPONDENT CITY OF
OAKLAND'S DEMURRER AND MOTION TO STRIKE

Case Number and Title automatically appear
in footer of each page

Font Problems

→ The font in the footer should be **Times New Roman**

Above is shown an **incorrect font** mixed in with the correct Times New Roman font. There is a "bug" in Microsoft Word's footer that can cause a few characters to print the wrong font.

You must delete the incorrect fonts in Windows.
You cannot change the font in the text in the footer.

Step 1: Exit completely out of Microsoft Word

Step 2: Click START button, choose SETTINGS
select CONTROL PANEL, choose FONTS

Step 3: If the following fonts are listed – click the right mouse button on the font name
and choose Delete

Arial Unicode
Batang
MS Mincho
Shruti

Controlling Text in Footer of each page (continued)

14
15
16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF ALAMEDA
18
19 JOHN ALLEN dba "Ace Construction and
Development Corp",
20
21 Petitioner and Plaintiff,
22 vs.
23 CITY OF OAKLAND, a municipal corporation, and
DOES 1-50, inclusive,
24 Respondents and Defendants.

Case No. 2001-033063
UNLIMITED JURISDICTION
REPLY MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
RESPONDENT CITY OF OAKLAND'S
DEMURRER AND MOTION TO STRIKE

25
26
27 **Case Number and Title** are linked to "fields"
in footer of each page
28

Case No. 2001-033063 1
REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESPONDENT CITY OF
OAKLAND'S DEMURRER AND MOTION TO STRIKE

Modify Text in the Title

Since title text in the footer is in a field – linked to title in the caption – if you wish to change the text for the title in the footer, **you must first delete the entire title in the footer.**

26
27
28

Case No. 2001-033063 1

Then you can type new text you wish to appear as the title in the footer:

26
27
28

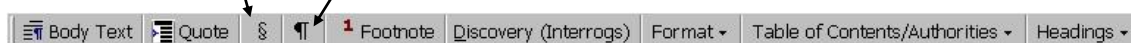
Case No. 2001-033063 1
REPLY MPA IN SUPPORT OF RESPONDENT'S DEMURRER AND MOTION TO STRIKE

Using the CalPleadings™ Toolbar in Pleadings

CalPleadings™ Toolbar contains tools for

- Format
- Footnotes
- Discovery phrases
- Headings
- Table of Contents
- Table of Authorities

Symbols – Section Break § Paragraph Mark ¶



Click either of these symbol buttons to insert the symbol into the document.

Format Text in a Pleading

As text is typed in a pleading, or when text is *pasted* into a pleading, you can apply proper pleading format to each text paragraph by using these buttons on the CalPleadings™ toolbar:

Body Text button will apply proper line spacing in the paragraph, and will align text with the numbered lines on pleading paper.

Quote button will apply proper line spacing and **indent** the paragraph (single-spaced indented quote).

To insert a footnote, position the cursor first, then click on the **Footnote** button.

1 pleading any facts or law to establish that he is entitled to so amend. Under these
 2 circumstances, where Petitioner has provided no substantive opposition, there is *no basis* for
 3 this Court to deny either the City's Demurrer or Motion to Strike, and there is *no basis* for the
 4 Court to grant leave to amend. ¹

5 **II. LEGAL ARGUMENT**

6 **A. The City's Demurrer Should Be Sustained Without Leave to Amend**

7 1. **Once a Defendant Has Met Its Burden to Establish That a**
 8 **Demurrer Should Be Sustained, the Burden is on the Plaintiff**
 9 **to Demonstrate That Amendment Would Cure the Defects**

10 California law on this point is absolutely clear.

11 In *Hendy v. Loss* (1991) 54 Cal.3d 723, the California Supreme Court upheld the
 12 sustaining of demurrer without leave to amend, holding that once the demurrer is sustained:
 13 "*The burden is on the plaintiff ... to demonstrate the manner in which the complaint might be*
 14 *amended.*" (Emphasis added.) *Id.* at 742.

15 In *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 342 the California Supreme Court
 16 concluded that the trial court properly sustained a demurrer to a cause of action for fraud
 17 without leave to amend, stating:

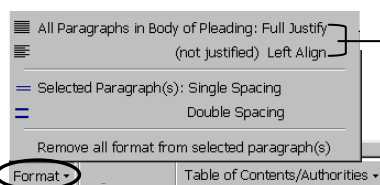
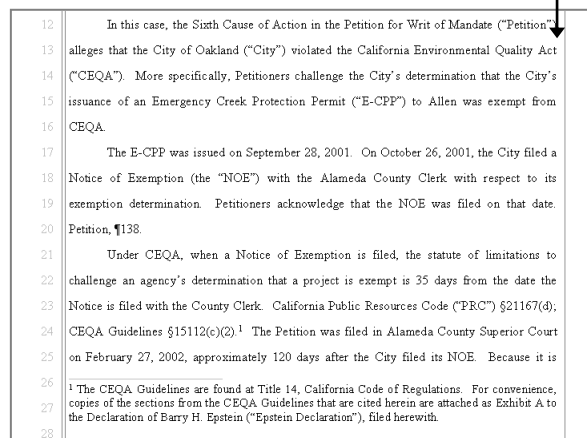
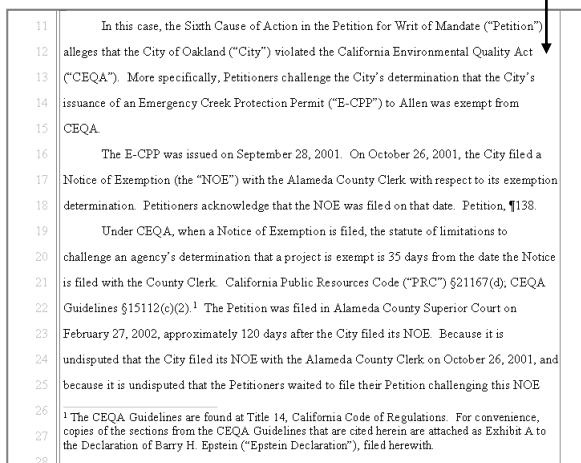
18 { *Plaintiff must show in what manner he can amend his complaint and how that*
 19 *amendment will change the legal effect of his pleading...* The only suggestion by
 20 plaintiffs of a possible relevant amendment to their complaint appears in their
 final brief where they state "If this Court will give [plaintiffs] the opportunity to
 do so and if it believes it to be necessary, [plaintiffs] will allege that which they
 believe is implicit in their complaint, that they did not know the facts which
 were not told to them nor were such facts readily accessible." However, *they*

Format Tools

Adjust Alignment of Text Paragraphs below Caption

Full Justify (aligned on both left and right margins)

Left Align (not justified)



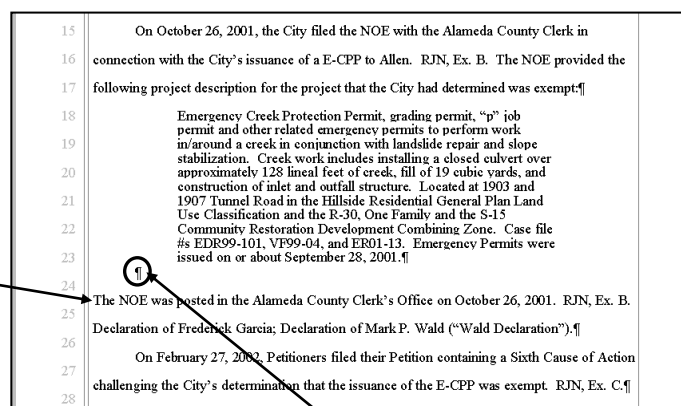
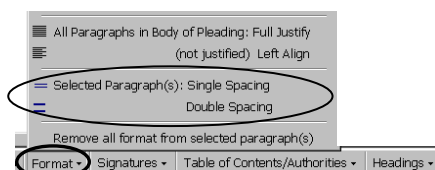
1. Click the **Format** button on the CalPleadings toolbar

2. Choose the option on the menu you prefer for text alignment of all these paragraphs in the pleading:

- Body Text
- Footnotes
- Indented Quotes

Align Paragraph Text to Numbered Line

The paragraph following a heading or indented quote – as shown in this example – may not line up to a numbered line in pleading paper.



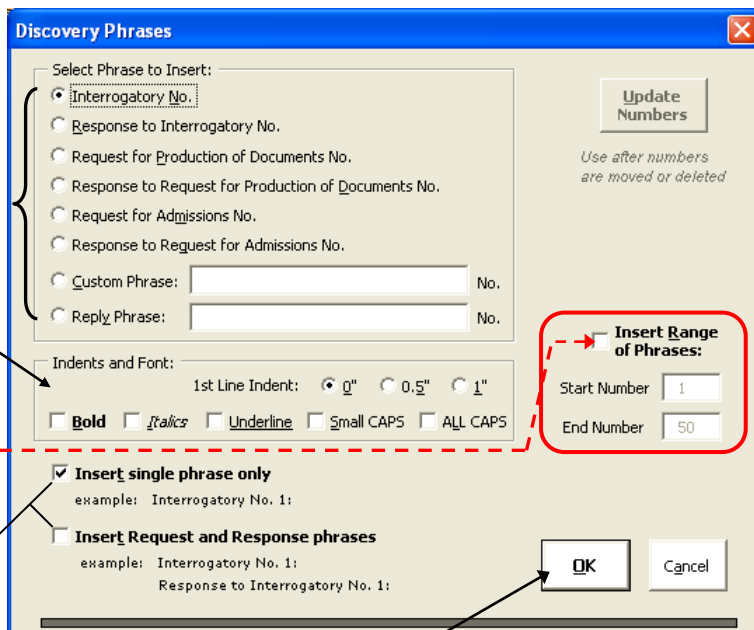
To adjust the position of the paragraph following a heading or indented quote, add a ¶ blank paragraph (hard return) after the heading or quote, then choose **Single Spacing** on the **Format** menu.

Discovery Phrases

1. Click the **Discovery** button on the CalPleadings toolbar (or press **Alt+D**)



2. Select the *phrase* you wish to insert into the document



3. Select options for indent and font format

4. You can enter a **range of phrases**

- Click the **checkbox** to enable the command
- Enter **Start Number** and **End Number**

5. Select one of these options

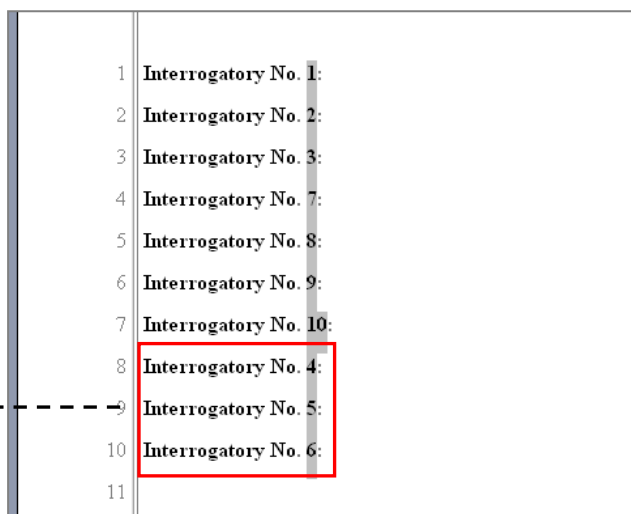
6. Click **OK** to insert the phrase(s) that are selected.

Discovery Phrases (continued)

Update Numbers after discovery phrases are moved or deleted

While editing a document with numbered discovery phrases

→ if those paragraphs are moved or deleted,
the numbers do not automatically update

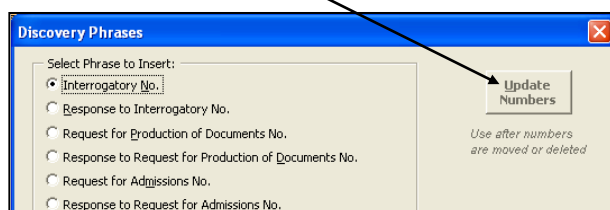


Use the **Update Numbers** command:

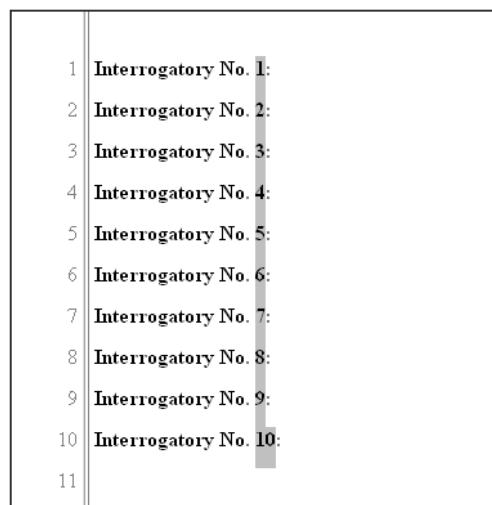
1. Click the **Discovery** button on the CalPleadings toolbar (or press **Alt+D**)



2. Click button **Update Numbers**



→ Numbers are now updated (renumbered)

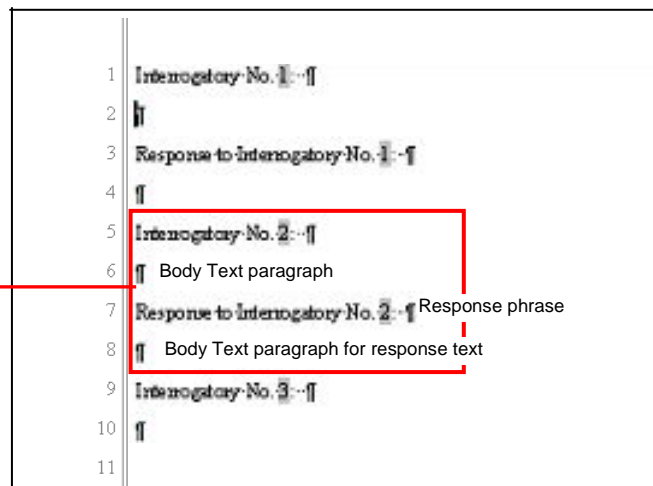


Discovery Phrases (continued)

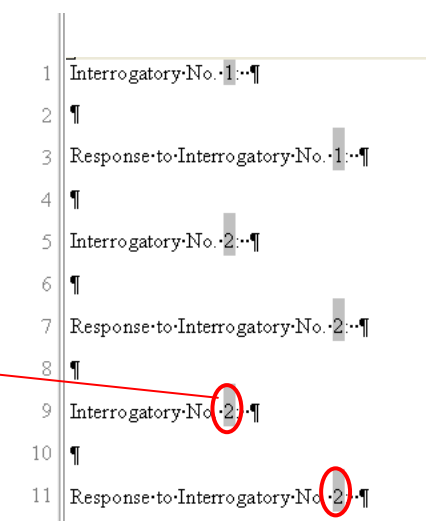
Insert Discovery Phrases

The easiest way to **insert** phrases into an existing list of discovery phrases is to **copy** 1 or more phrases, as shown in this example:

1. Select the numbered phrase you wish to copy.
You can include appropriate body text paragraph or response phrase following ...
2. **Copy** the selected paragraph(s)
3. Move cursor to beginning of paragraph where you want to *insert* the phrase(s)
4. **Paste** the paragraph(s)



5. Pasted paragraph(s) will retain the **same number** – it does not renumber automatically.

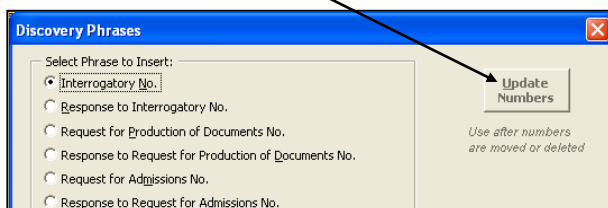


6. Use the **Update Numbers** command:

- Click the **Discovery** button on the CalPleadings toolbar (or press **Alt+D**)



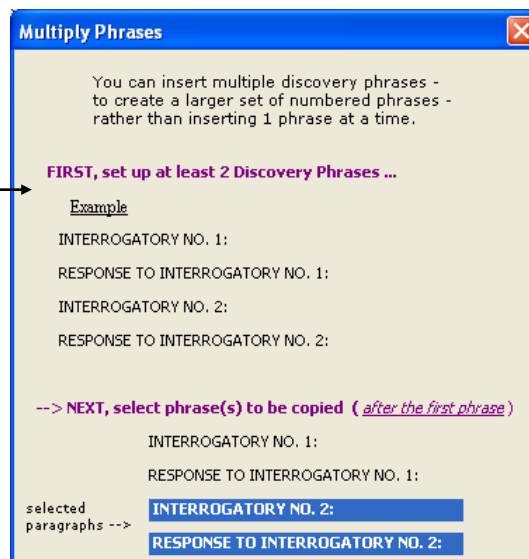
- Click button **Update Numbers**



Discovery Phrases (continued)

Copy Phrases

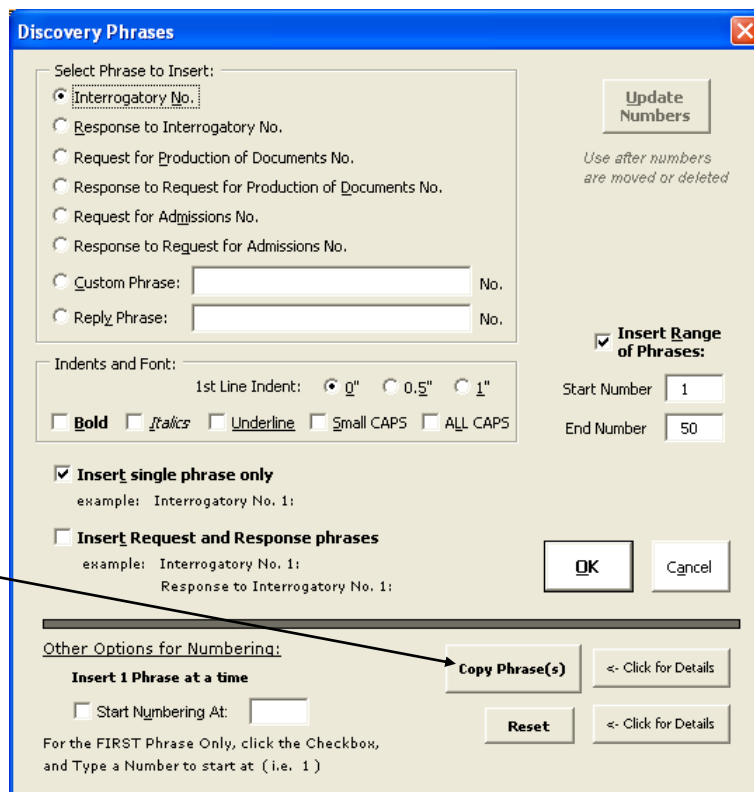
1. Follow these instructions



2. Click the **Discovery** button on the CalPleadings toolbar (or press **Alt+D**)



3. Click **Copy Phrase** button



Caption Tools

1 Frances P. Johnson, SBN 199883
 2 Timothy R. Gonzales, SBN 109311
 3 The Johnson Law Group
 4 1300 Woodside Road
 5 Suite 1100
 6 Monterey, CA 92311
 7 Telephone: 831-373-1919
 8 Facsimile: 831-373-1999
 9 Attorneys for Defendants

10
 11
 12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 13 COUNTY OF SAN MATEO

14 Case No. CV-182559
 15 ANSWER TO COMPLAINT

16 Plaintiff
 vs.
 Defendants

You can add **Hearing Date, Trial Date, Judge, Department, etc.** under the title.

Caption Tools
 Add Date/Time/Dept under Title
 Add Cross-Action
 All Paragraphs in Body of Pleading: Full Justify
 (not justified) Left Align
 Selected Paragraph(s): Single Spacing
 Double Spacing
 Remove all format from selected paragraph(s)

Body Text Quote 1 Footnote Discovery (Interrog.) **Format** Table of Contents/Authorities Headings

Caption Tools

Add Cross-Action

1 Frances P. Johnson, SBN 199883
 2 Timothy R. Gonzales, SBN 109311
 3 The Johnson Law Group
 4 1300 Woodside Road
 5 Suite 1100
 6 Monterey, CA 92311
 7 Telephone: 831-373-1919
 8 Facsimile: 831-373-1999
 9 Attorneys for Defendants

10

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 COUNTY OF SAN MATEO

13 Mark Denton dba Denton Construction, Case No. CV-182559
 14 Plaintiff ANSWER TO COMPLAINT
 15 vs.
 16 Mary and Timothy Robinson, et al.,
 Defendants

You can add a **cross-action** to the caption.

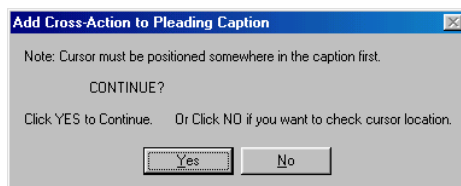
1. Place cursor anywhere in the CAPTION area first.
2. Click the **Format** button on the CalPleadings toolbar

Caption Tools

- Add Date/Time/Dept under Title
- Add Cross-Action**
- All Paragraphs in Body of Pleading: Full Justify (not justified) Left Align
- Selected Paragraph(s): Single Spacing Double Spacing
- Remove all format from selected paragraph(s)

Body Text Quote Footnote Discovery (Interrog.) **Format** Table of Contents/Authorities Headings

3. Select **Caption Tools**, then select **Add Cross-Action**
4. When this message appears, click **Yes** to confirm if the cursor is positioned in the Caption.



A new area in the caption is created for cross-action information.
 Delete the text **Type Cross-Action information** and type cross-action text for the case.

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF SAN MATEO

10

11 Mark Denton dba Denton Construction, Case No. CV-182559
 12 Plaintiff ANSWER TO COMPLAINT
 13 vs.
 14 Mary and Timothy Robinson, et al.,
 15 Defendants

16 **Type Cross-Action information**

Headings for Motions and Briefs

Headings button on the CalPleadings toolbar automatically "flags" headings for inclusion in a Table of Contents.

1 I. ←

2 INTRODUCTION

3 On September 13, 2002, Respondent City of Oakland ("City") filed two pleadings in

4 this matter: First, the City filed a Demurrer to the Amended Petition for Alternative and

5 Peremptory Writs of Mandate and Complaint for Declaratory and Injunctive Relief, Damages

6 and Attorneys' Fees ("Amended Petition") filed by John Allen ("Petitioner"). Second, the City

7 filed a Motion to Strike portions of the Amended Petition.

8 II. ←

9 LEGAL ARGUMENT

10 A. The City's Demurrer Should Be Sustained Without Leave to Amend

11 I. Once a Defendant Has Met Its Burden to Establish That a Demurrer

12 Should Be Sustained, the Burden is on the Plaintiff to Demonstrate

13 That Amendment Would Cure the Defects

14 California law on this point is absolutely clear. In *Hendy v. Loss* (1991) 54 Cal.3d 723,

15 the California Supreme Court upheld the sustaining of demurrer without leave to amend,

16 holding that once the demurrer is sustained: "*The burden is on the plaintiff ... to demonstrate*

17 *the manner in which the complaint might be amended.*" (Emphasis added.) *Id.* at 742.

18 In *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 342 the California Supreme Court

concluded that the trial court properly sustained a demurrer to a cause of action for fraud

Level 1 - Centered, Bold, All Caps
 Level 2 - At Left Margin, Bold
 Level 3 - Indented at 0.5"
 Level 4 - Indented at 1.0"
 Level 5 - Indented at 1.5"
 Level 6 - Indented at 2.0"
 Level 7 - Indented at 2.5"
 Centered Heading

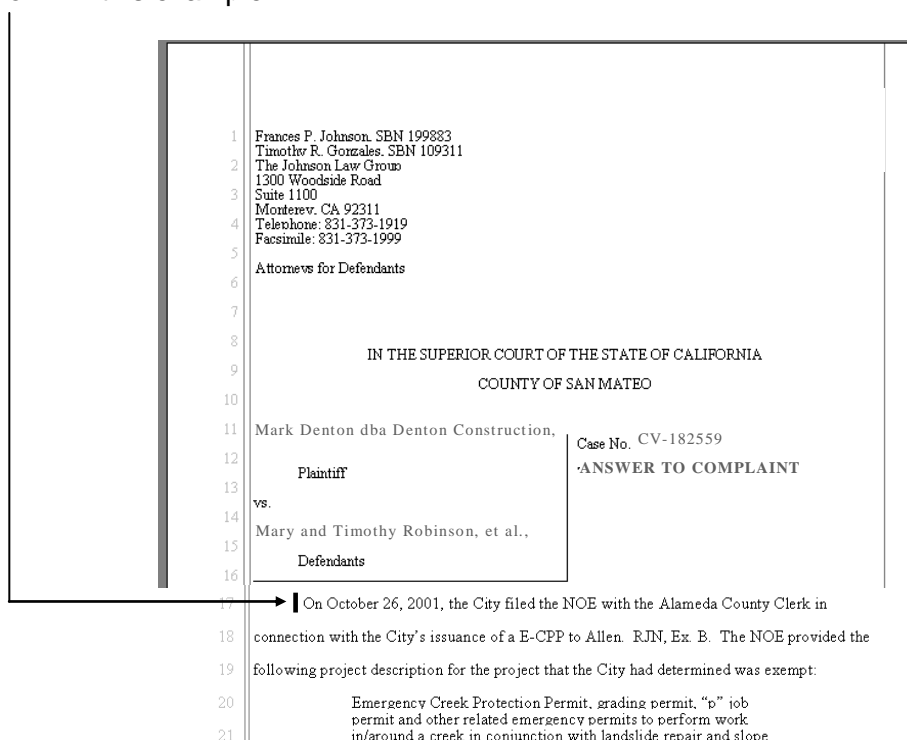
Body Text Quote Footnote Discovery (Interrogats) Format Table of Contents/Authorities Headings

Insert Sections for Table of Contents and Table of Authorities

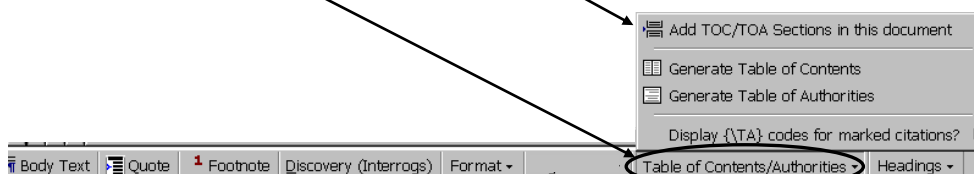
Pleadings in Superior or United States District Courts sometimes require Table of Contents and Table of Authorities. Using these features in Microsoft Word, especially for California court pleadings, can be very confusing and difficult.

CalPleadings provides an easy, reliable tool for inserting a section for Table of Contents & Table of Authorities into any pleading for Superior or U.S. District Court.

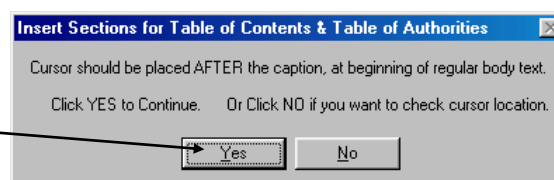
1. Insert the cursor **at the beginning of the first Body Text paragraph**, just after the caption, as shown in this example:



2. Click **Table of Contents/Authorities**, then choose **Add TOC/TOA Sections in document**



3. To confirm that cursor is positioned after the caption, at beginning of first body text paragraph – click **Yes**.



4. Two new pages are inserted *after the caption page*, as shown in this example:

1	TABLE OF CONTENTS	
2		<u>Page(s)</u>
3	Click Table of Contents/Authorities button below, choose Generate Table of Contents	
4	or ... type entries manually	

1	TABLE OF AUTHORITIES	
2		<u>Page(s)</u>
3	Click Table of Contents/Authorities button below, choose Generate Table of Authorities	
4	or ... type entries manually	

Page Numbers for these sections are changed to **roman numerals**

26		
27		
28	Footer -Section 2-	1
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION		

TABLE OF CONTENTS

Note: This command is designed to work in pleadings created using CalPleadings and the **Headings** button on the CalPleadings toolbar.

1. **Place cursor in the exact position** where you want Table of Contents entries to be inserted (where the first heading will appear).
2. Click **Table of Contents** button on the toolbar and choose **Generate Table of Contents**.

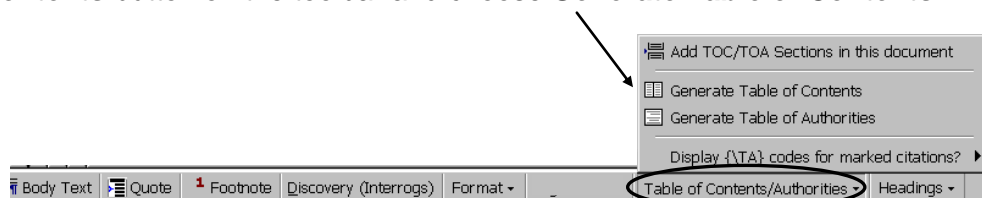
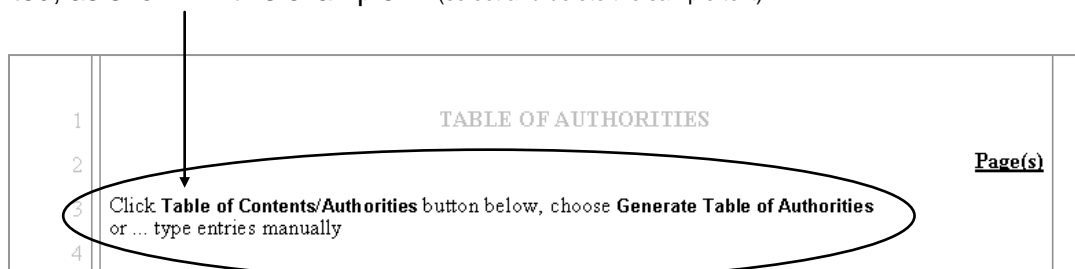


TABLE OF AUTHORITIES

Note: This command is designed to work in pleadings created using CalPleadings and citations and authorities have been **marked properly** using the **Mark Citation** feature in Microsoft Word.

1. Place cursor in the exact position where you want authorities marked in the pleading to be inserted, as shown in this example: (select and delete the sample text)



2. Click **Table of Contents** button on the toolbar and choose **Generate Table of Authorities**.

