



## Ex Parte Applications- Law & Motion

An Ex Parte Application is used for one party to ask the Court for an order without providing the other party(ies) the usual amount of notice or opportunity to write an opposition. The Ex Parte Application must show there is an emergency such that there will be irreparable harm or immediate danger if the order is not granted.

An Ex Parte Application should only be filed when there is not enough time to hear a regularly noticed motion (16 court days minimum).

There is no form for most ex parte applications. However, it must be typed on pleading paper.

### Reserve a hearing date for the Ex Parte Application:

All ex parte applications must be reserved before 10:00 a.m. the court day before the ex parte appearance. (Local Rules for the Superior Court of California, County of Sacramento, Rule 2.35.) The calendar clerk can be reached by calling:

**Department 53: (916) 874-7858**  
(Odd Numbered cases)

**Department 54: (916) 874-7848**  
(Even Numbered cases)

Department 53 schedules ex parte hearings in the mornings, starting at 9:00 am.  
Department 54 schedules ex parte hearings in the afternoons starting at 1:30 pm.  
You will get the first available timeslot on that date (every 15 minutes).

Sacramento Superior Court does not allow the moving party to appear by phone. Make sure you can come to court on the day you choose.

### Give Notice:

Call all other parties (or their lawyer) by 10:00 am the court day before the hearing and tell them the basis for the ex parte application. (California Rules of Court, Rule 3.1203.) If you cannot reach the other party(ies) or their attorney, leave a detailed message and a return number. Send a fax or email with the same information provided in the phone message. Your ex parte application must include a declaration detailing your attempts to give notice of the ex parte hearing.

### File Documents:

The Ex Parte Application documents must be filed by 4:00 pm the court day before the ex parte hearing. File with the clerk at the filing window. **DO NOT PLACE IN THE DROPBOX.** If you cannot file with the clerk by 4:00 pm, file them as early as possible the day of the hearing. The judge needs to review your documents before the hearing.

Arrive 10 to 15 minutes earlier than your scheduled time. Check in at Window 1 in the filing room.

Disclaimer: This Information Sheet 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. If you need further assistance consult a lawyer.



**What to do if you have been notified of an en ex parte hearing:**

- File an opposition
- Appear at the ex parte hearing
- Call the clerk to set up a telephone appearance. Only the responding party may appear by telephone.

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If you intend to oppose the ex parte application, file your opposition documents as soon as you can. You may bring your opposition to Court with you and file it before the ex parte hearing.

Arrive 10 to 15 minutes earlier than your scheduled time. Check in at Window 1 in the filing room.

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