

EX PARTE POLICIES AND PROCEDURES

PLEASE READ CAREFULLY BEFORE FILING DOCUMENTS

(1) **EX PARTE APPLICATIONS** are requests for extraordinary and immediate relief that cannot wait for the period of time required for the court to hear a Request for Order containing a request for that relief, because if the hearing is not held immediately, some damage or harm would occur that cannot be prevented, undone, or remedied by a later court order.

(2) **EX PARTE APPLICATIONS** are requests for relief that are reviewed by the court and are ruled upon without the formal notice to the other party and opportunity to respond that is ordinarily given to a responding party. For that reason ex parte applications are generally limited in both the type of relief that may be requested, and the length of time that any orders issued by the court will remain in place.

(3) **EX PARTE APPLICATIONS MUST MEET CERTAIN REQUIREMENTS OR THEY MAY BE DENIED BY THE COURT** or set for a hearing on the regular law and motion calendar at some point in the future.

(4) **EX PARTE APPLICATIONS** that are going to be submitted to the court must meet the following criteria:

(a) **SPECIFIC FACTS MUST BE PROVIDED** to the court that would demonstrate that unless the matter is heard as an **EX PARTE APPLICATION**, some “great or irreparable injury” would result to the applicant before the matter could be heard as a request for order.

Rule 8.07.01 of the El Dorado County Superior Court Rules requires that these facts must be set forth in the form of a declaration.

(b) **THE RELIEF REQUESTED MUST BE LIMITED IN ITS SCOPE.** Even if an **EX PARTE APPLICATION** is granted by the court, its orders will usually be issued for a limited amount of time or until a full hearing on the issues can be held, at which time it will hear evidence from both parties.

(5) **IF THE EX PARTE APPLICATION YOU INTEND TO SUBMIT TO THE COURT DOES NOT MEET THESE REQUIREMENTS,** then it should be filed as a request for order. These matters generally require the filing of the appropriate forms and supporting information, and are set for hearing by the court on the regular law and motion calendar

(6) **A REQUEST FOR ORDER** generally requires that the documents filed with the court must be **SERVED ON THE OTHER PARTY AT LEAST SIXTEEN (16) COURT DAYS, PLUS AN ADDITIONAL FIVE (5) CALENDAR DAYS** FOR THE MAILING OF THE DOCUMENTS, prior to the date on which the motion or order to show cause is set for hearing.

EX PARTE PROCEDURES

(A) If an **EX PARTE APPLICATION** is going to be submitted to the court, **YOU MUST DO THE FOLLOWING:**

(1) **CALL THE CLERK’S OFFICE AT (530) 621-6726** to secure a date. Three Ex Parte Applications are heard on Monday, Tuesday, Wednesday, and Friday. Thursday Ex Partes are set with prior approval based on the individual circumstance.

(2) **COMPLETE ALL OF THE PAPERWORK** and declarations you wish to submit in support of your Ex Parte Application.

(3) **COMPLETE THE DECLARATION AND REQUEST FOR EX PARTE ORDERS AND NOTICE OF THE EX PARTE APPLICATION** form that you can obtain online at www.eldorado.courts.ca.gov or at the clerk’s office.

(4) **NOTIFY THE OTHER PARTY** of the hearing date, time, and location of the Ex Parte Application **BY NO LATER THAN 10:00 A.M. ON THE COURT DATE BEFORE THE DATE** on which your ex parte application is set for hearing.

(5) **SUBMIT ALL OF THE PAPERWORK AND DECLARATIONS** you have prepared in support of the Ex Parte Application, together with a check for the filing fee to the clerk's office **BY NO LATER THAN 2:00 P.M. ON THE DAY BEFORE THE DATE** on which your ex parte application is set for the hearing.

(f) **SERVE COPIES OF ALL OF THE PAPERWORK AND DECLARATIONS** you have prepared in support of the Ex Parte Application, on the other party in accordance with Rule 8.07.05 of the El Dorado County Superior Court Rules.

(g) If you cannot personally deliver the Ex Parte Application and supporting documents to the other party, or provide them with a faxed copy of the documents, **YOU MUST HAVE A COPY AVAILABLE FOR SERVICE** on them prior to the hearing, and be prepared to explain to the court why service of the documents was not completed earlier than just prior to the hearing.

(2) IF YOU FAIL TO PROVIDE THE COURT WITH THE NECESSARY DOCUMENTS, PRIOR TO 2:00 P.M. ON THE DAY BEFORE THE HEARING, and/or fail to comply with the foregoing notice and service requirements, YOUR EX PARTE APPLICATION WILL NOT BE HEARD.