

Ex Parte Hearing Notice Information

Case Name: _____

Pursuant to California Rules of Court, Rule 3.1203: “A party seeking an ex parte order shall notify all parties no later than **10:00 a.m. the court day** before the ex parte appearance.”

Pursuant to the Local Rules of Court (8.5, 13.15, 14.4, and 15.4): “Regardless of how notice to the opposing party was done, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application.”

Paperwork must be filed with the Superior Court Clerk’s Office before 11:00 a.m. the day of the hearing. Paperwork must be served on the other party prior to the court appearance.

The facts stated in your *Request for Orders* must be based on the personal observations of the person who signs the declaration. Except in limited circumstances, the court cannot consider a statement by a witness or victim unless that person makes their statement in a written declaration under penalty of perjury.

If notification is done by 10:00 a.m. the court day before the hearing, the judge will consider your request on:	OR	If notification is by first class mail , (do not count the day mailed) 7 days notice is given for the judge to consider your request on:
Monday _____ at 1:15 p.m. in		Ukiah Ten Mile (Fort Bragg Branch Court)
Tuesday _____ at 1:15 p.m. in		Ukiah Ten Mile (Fort Bragg Branch Court)
Wednesday _____ at 1:15 p.m. in		Ukiah Ten Mile (Fort Bragg Branch Court)
Thursday _____ at 1:15 p.m. in		Ukiah Ten Mile (Fort Bragg Branch Court)
Friday _____ at 1:15 p.m. in		Ukiah Ten Mile (Fort Bragg Branch Court)

An ex parte hearing and your appearance is required if you want a judicial officer to consider temporary orders.

You can notify the other party or you may have someone who is over the age of 18, and not a party to the matter, give notice for you. You, or the person who gives notice, must complete local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*.

If immediate harm could be suffered if notice were given or if giving notice is impossible, you must indicate why notice was not given under #5 on local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*.

It is possible that a judicial officer reviewing your application may find your reasons for not giving notice insufficient. This can result in your application being rejected until you actually give notice.

The court may be able to grant the requested orders at the noticed hearing even if the temporary (ex parte) orders have been **denied**. You must be prepared to present reasonable, legally admissible, proof at the noticed hearing that support the facts stated in your *Request for Orders*. At the hearing, the court will weigh the evidence provided by all parties to determine if protective orders should be issued.