Ex Parte Applications: Ask the Court for an Order as Quickly as Possible

"*Ex parte*" is a Latin legal term for "from one party." An *Ex Parte Application* is used by one party to ask the court for an order, such as an order changing a hearing date or deadline, without the usual notice to the other parties to give them time to prepare an opposition. *Ex parte* applications are used when there is not enough time for a standard motion, which typically takes a minimum of about four weeks (16 court (business) days), and frequently much longer due to the courts' full calendars.

Requesting an early hearing of a (different) motion

Often, *ex parte* applications are used to ask for shortened time for an underlying substantive motion. For example, you may need to file a motion to compel discovery responses, but the next available motion hearing date is after your trial date. The motion would be pointless then. In this case you might file an Ex Parte Application to Shorten Time for Motion to Compel Discovery, so you can get a decision on the underlying motion while it can still make a difference. If the Application is granted, the court will approve a date, and only then do you then file the actual motion, using the date the court orders as the hearing date.

Because one of the requirements for an *ex parte* application to shorten time to be granted is that your underlying motion has a reasonable chance of success, you will need to include declarations and a memorandum explaining the underlying motion and why you will likely win, which are usually identical to the motion itself. You should attach the draft motion to the application so that it can be filed on the day the application is granted.

Templates and Forms

- Ex Parte Application Template – DOCX (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-application-app.docx)
- Ex Parte Declaration re Notice – DOCX (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-application-dec-re-notice.docx)
- Proposed Order on Ex Parte Application – DOCX (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-order.docx)

Note: *This Guide covers generic* ex parte *(emergency) requests in civil cases. If you need a temporary restraining order, see our article* *TROs: Applying for a Temporary Restraining Order in a Civil Case* (https://www.saclaw.org/resource_library/tros-applying-for-a-temporary-restraining-order-in-a-civil-case/) *. Family, probate, and criminal courts handle the process differently.*

Step by Step Instructions

Determine which department to use for your *ex parte* application

In Sacramento civil matters, different departments hear different types of motions, including *ex parte* applications on those matters:

- **The Presiding Judge** (Dept. 47) hears all motions for consolidation, coordination, severance, bifurcation, intervention, pretrial conference, change of venue, or to advance or continue trial.
- **Home Court judges** (Depts. 8D (previously 25), 8C (previously 28), 16D (previously 53) and 16C (previously 54) typically hear other motions, including all Law and Motion motions and all Case Management Program motions. You can find which department to use by checking your case's record on the Public Portal. (https://prod-portal-sacramento-ca.journaltech.com/public-portal/?q=Home) **NOTE: Effective April 13, 2026: Department 25 changed Department 8D; Department 28 changed to Department 8C; Department 53 changed to Department 16D; and Department 54 changed to Department 16C of the Tani G. Cantil-Sakauye Courthouse (500 G Street).**
- **If a judge has been assigned to a case for all purposes**, that judge hears all motions for the case. Petitions for writs of mandate and class actions are examples of such cases.

> The details in this guide apply only in Sacramento County civil cases. If your case is in a different county, check with that court's clerk or website for that county's rules and procedures, which will be different. The general information be useful in other California counties, but do not use this information in other states or in federal court.

These assignments change from time to time, so check the with the court for a current list of which department hears which types of motions.

Researching and writing the papers

You will need to research and write (1) an "*Ex Parte* Application," stating what you are requesting and when the hearing will be; (2) a "Memorandum of Points and Authorities," explaining the relevant laws and how they apply to your facts, both for the ex parte and the underlying motion; (3) a "Declaration" under penalty of perjury explaining the facts of the case, *and* why the matter is so urgent it should be heard *ex parte*; and (4) a "Declaration re Notice" explaining if and how you give notice to the other parties. (Sometimes this is combined with the Declaration of the facts of the case.) You must also write a "Proposed Order" for the judge to sign if they grant the applation.

In an ex parte application, you are asking the judge to make an exception to the usual timing rules. Therefore, in the memorandum and declaration, you *must* explain (1) why it is so urgent and (2) why you waited until now to bring the application. If you do not convince the judge that it is urgent, they will likely deny the ex parte, even if they think your underlying request has merit, and schedule a motion with enough time to let you do the standard amount of notice.

Templates for the *Ex Parte* Application (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-application-app.docx) and for the Declaration Regarding Notice (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-application-dec-re-notice.docx) are attached to this guide. The guide is very general, since ex parte applications can arise in so many types of situations, and and you will need to do research and customize the application and memorandum. The Law Library has several books with samples and instructions of all these papers, which you can customize for your situation. See the "Secondary Sources and Forms" section, below, for specific recommendations.

Reserve your hearing (deadline: 10 a.m. the court day before the desired hearing date)

All Ex Parte Applications must be reserved before 10:00 a.m. on the court day before the Ex Parte Hearing. (Local Rules for the Superior Court of California, County of Sacramento, Rule 2.35, California
Rules of Court, Rule 3.1203.)

Schedule the hearing by calling Civil Law and Motion at (916) 874-7858 or (916) 874-7848 to reserve a time.

Notify the other parties before 10 a.m. the day before the hearing

You must give the other party(s) notice before 10 a.m. the court day before the hearing, unless you can prove “exceptional circumstances that justify a shorter time for notice.” *Ex parte* hearings have unique notice procedures. You personally should phone the other party(s) (or their lawyer, if they have one) to tell them what you are asking the court and when the hearing will be, and ask them if they plan to attend. California Rule of Court (“CRC”) 3.1204. If you do not reach them, leave a detailed message with a reliable call-back number.

After you do this, you must write the “Declaration re Notice” stating whether the opposing party is represented by counsel, whether that party has been contacted and has agreed to the requested order, or why the order should be issued without such notice. This Declaration must be submitted to the department before 10 a.m. the day before the hearing. You must also pay the filing fee (usually $60 in Sacramento) unless you have a fee waiver in the case.

File your documents by 4 p.m. the day before the hearing

All Ex Parte Application documents must be filed by 4:00 p.m. on the court day before the Ex Parte
Hearing. File with the clerk at the filing room (500 G St., Second Floor, Sacramento CA 95814) or through e-Filing.

Serve the other parties

Serve the other parties with copies of all your papers as soon as reasonably possible, preferably by email or fax.

Attend the hearing

At the hearing, the clerk may simply provide you the ruling, without your actually seeing the judge. In Sacramento, the judge will typically consider the matter in chambers (the judge’s office) based on the papers you have turned in, and may just notify you of the decision while you wait.

However, you must appear in person or by Zoom. If the judge has additional questions, he or she may ask you to come in to chambers to answer questions.

In Person

Law and motion matters and case management matters are decided in your Civil Home Court Department, which are located in the main courthouse at 500 G St., Sacramento CA 95814..

If attending in person, bring a copy of all paperwork to the hearing with you. Pay the fee if you haven't yet, and bring the receipt to the hearing.

By Zoom or Telephone

The parties may join the Zoom session for the hearing by audio and/or video. Check the specific department for remote appearance information. Find this information on the individual descriptions of each Civil Home Court department's individual description, linked at the bottom of the Civil Filing Guidelines & Departments page (https://www.saccourt.ca.gov/civil/case-management-program.aspx) on the Sacramento Court website.

The ruling

If approved, the judge will sign your *Proposed Order*. The judge may also deny the *Ex Parte Application,* but set the matter for hearing on a normal motion schedule later.

The applicant should serve any signed orders on the other parties and file the original order and proof of service at court.

For more information

Court procedures (Sacramento County)

"*Ex Parte* Motions: Law and Motion Departments (https://www.saccourt.ca.gov/civil/docs/cv-ex-parte-application.pdf)" Sacramento County Superior Court

In other counties, look on the court's website under the Civil Department section or local rules, or call to ask a clerk the process.

Secondary sources and forms

There are no pre-printed forms for most *ex parte* applications. Templates for the *Ex Parte* Application (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-application-app.docx) and for the Declaration Regarding Notice (https://saclaw.org/wp-content/uploads/2026/01/sbs-ex-parte-application-dec-re-notice.docx) are attached to

this guide, which will need extensive research and customization.

The Law Library recommends the following practice guides, which contain sample forms you can adapt for your situation. Most of these books also have more details about the legal standards and procedures that apply to *ex parte* applications.

California Forms of Pleading and Practice (**KFC 1010 .A65 C3** (Ready Reference)) (Matthew Bender). Chapter 372, “Motions and Orders,” has in-depth information on *ex parte* procedures, including customizable samples of the *ex parte* application, declarations, and proposed orders. There are also dozens of chapters on specific topics, from “Adjoining Landowners” to “Zoning,” with sample paperwork for those situations.

Sample memorandums of points and authorities can be found in the companion book *California Points and Authorities* (**KFC1010 .B4** (Ready Reference)), Chapter 417.
Electronic access: On the Law Library’s computers, using *Lexis Advance*.

California Law and Motion Model Forms (**KFC 1012.A65 P37** (General Collection)) (Rutter Group). Various chapters include sample *ex parte* applications for extensions of time, including extension of time to plead, for an order shortening time, and other situations, with all required elements, and a proposed order. This book includes a sample memorandum of points and authorities, unlike most others. It has less background information and primarily offers the customizable form to copy or download.

California Pretrial Practice & Forms (**KFC1020 .A65 K86** (General Collection)) (James Publishing, Inc.). Chapter 14, sections 14:490-498, contain a succinct description of the requirements for *ex parte* applications, as well as sample forms. A useful discussion of the types of evidence that can be used to support motions and applications can be found at 14:80-122.
Electronic access: Forms, but not text, available on the companion CD-ROM, available at the Circulation Desk upon request.

In addition, all of the following practice guides have forms for the *ex parte* application, declaration, declaration re notice, and/or proposed order:

- **California Civil Practice: Procedure**, Chapter 14. (**KFC 995.A65 B3** (General Collection))
- **California Practice Guide: Civil Procedure before Trial**, Chapter 9. (**KFC995. W45** (General collection))

- **California Pretrial Civil Procedure**, Chapter 26. (**KFC 995 .M38** (General Collection and Lexis Advance))
- **California Civil Procedure before Trial**, Chapter 14**. (KFC 995 .C34** (General Collection and OnLaw))

Ex Parte Tips

Use only when truly necessary

Because the notice requirement of motions are designed to ensure the fairness of the procedure, *ex parte* applications, which by their nature circumvent this process, are highly disfavored, and granted only if absolutely necessary. If a matter could have been handled by a noticed motion or stipulation, the judge will deny your application and possibly set a date for a standard hearing.

Therefore, before filing an *ex parte* application, ask the other party(s) if they will agree to your request. If they do, file a stipulation instead.

Ex parte applications to shorten time for motion

Motions are set up on the first available date. At times, that can mean several months will pass until your hearing date. Sometimes, even the minimum amount of time for a motion, 16 days, will be too late. If your hearing must take place sooner than that, you can request for the judge to set a hearing sooner. It is common to file an ex parte solely for the purpose of setting a hearing sooner than that.

Some requests are never handled *ex parte*

Courts in different counties may have different local rules or practices on what matters can be handled via *ex parte* hearings. For example, in Sacramento, the court will reject all *ex parte* applications to continue a trial. However, you may apply for an *ex parte* “order shortening time to serve or file motion to continue trial,” to permit you to file and serve a motion to continue trial with less than 16 days’ notice.

In fact, most typical motions are not appropriate for *ex parte* hearing. Instead, litigants can bring an *ex parte* application to shorten time for notice of the desired motion. If the judge approves the application, the order will usually specify the deadline for the other party to be served and to respond.

Some requests are always handled *ex parte*

Some requests are so routine and noncontroversial that the Judicial Council or local courts have created forms for them. For instance, in Sacramento, you can use a local form (https://www.saccourt.ca.gov/forms-fees) to substitute newly-discovered defendants for your Doe defendants, extend the time for arbitration, and to extend the time to select a trial date. *Ex Parte* Application for Extension of Time to Serve Pleading (CM-020 (http://www.courts.ca.gov/documents/cm020.pdf)) is an *ex parte* application mostly used for a plaintiff to extend time to serve the complaint. However, there are no pre-printed forms for most civil *ex parte* situations.