

Rule 2.9.01 ~~Notice to Parties and to Court~~ Ex Parte Actions in General Civil Cases

(a) Time of hearing: All general civil ex partes are heard Monday through Friday at 1:00 p.m. Civil ex partes rotate on a monthly basis between the two civil courtrooms.

(a)(b) Notice to Parties: Notice must be given to the opposing party or their attorney prior to 10:00 a.m. the court day before the ex parte application will be heard by the court. Notice is governed by California Rules of Court 3.1203 et. seq. A declaration regarding notice must be submitted with the ex parte paperwork. Optional Local Form SUPCV-420 may be used.

(c) Notice to Court: The party seeking ex parte relief ~~should~~ must request to be put on the ex parte calendar in-person or by calling the ~~notify the~~ Clerk's Office Court by telephone at (831) 420-2200 before 11:00 a.m. the court day before of the ex parte hearing. This does not apply to family law or restraining order matters. Refer to Local Rule 4.1.08 for probate ex parte procedures.

(d) Ex Paper Paperwork:

1. All ex parte papers shall be submitted to the Clerk's Office no later than 3:00 p.m. the court day before the ex parte hearing.

2. A copy of the ex parte papers must be provided by the person requesting relief to the other party or their attorney no later than 3:00 p.m. the day before the ex parte hearing. The papers may be delivered in person, by fax or by email. Proof of service must be submitted. This may be done by using the Local Form SUPCV 420.

(b)(e) Opposition to Ex Parte Request: Objections to the ex parte relief requested shall be submitted to the Clerk's Office and the party making the ex parte request as soon as possible after notice is received, but no later than 10:00 a.m. the day of the hearing. The papers may be delivered in person, by fax or by email. Proof of service must be submitted with the objection.

(f) Remote appearances are governed by California Civil Procedure § 367.75, California Rule of Court 3.672 and Local Rules 1.4.01

(e) Telephonic appearances: Telephone appearances at ex parte are governed by California Rule of Court 3.670.

(d) All Civil Harassment Prevention, Workplace Violence Prevention, Gun Violence Prevention and Private Postsecondary School Violence Prevention Restraining Order requests must be filed with the Clerk's Office in Watsonville no later than 10:00 a.m. for

~~the request to be considered that same day. If the initial papers are brought to the Santa Cruz Clerk's Office, they will be scanned to the Watsonville Courthouse. All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse. All hearings will take place at the Watsonville Courthouse.~~

(Rev. 1/1/00) (Rev. 7/1/04) (Renumbered & Rev. 7/1/07) (Rev. 1/1/11) (Rev. 7/1/13) (Rev. 7/1/14) (Rev. 7/1/16) (Renumbered 7/1/17) (Renumbered 7/1/20) (Rev. 1/1/23)

Rule 2.9.02 Ex Parte Restraining Order Requests

- (a) All Civil Harassment Prevention, Workplace Violence Prevention, Gun Violence Prevention and Private Postsecondary School Violence Prevention Restraining Order requests must be filed with the Clerk's Office in Watsonville no later than 10:00 a.m. for the request to be considered that same day.
- (b) The initial papers may be brought to the Santa Cruz Clerk's Office for filing. They will be scanned to the Watsonville Courthouse.
- (c) Answers on the temporary request will be available for pickup in the afternoon at the courthouse where the request was submitted.
- (d) All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse.
- (e) All hearings will take place at the Watsonville Courthouse.

(Eff. 1/1/23)

Rule 2.9.03 Ex Parte Requests in Unlawful Detainers

- (a) Time of hearing: All unlawful detainer ex partes are heard Monday through Friday at 1:00 p.m. Civil ex partes rotate on a monthly basis between the two civil courtrooms.
- (b) Notice to Parties:
 - 1. Notice must be given to the opposing party or their attorney prior to 10:00 a.m. the court day before the ex parte application will be submitted to the court. Notice is governed by California Rules of Court 3.1203 et. seq.
 - 2. Shorter notice in accordance with California Rule of Court 3.1203(b) may be given provided that the notice is reasonable.

3. A declaration regarding notice must be submitted with the ex parte paperwork. Optional Local Form SUPCV 420 may be used.

(c) Notice to the Court:

1. The party seeking ex parte relief must request to be put on the ex parte calendar in-person or by calling the Clerk's Office at (831) 420-2200 before 11:00 a.m. the court day before the ex parte.
2. If the normal ex parte timelines cannot be met before the scheduled lockout date listed on the Sheriff's Notice, you may request to be put on the ex parte calendar no later than 11:00 a.m. the day of the ex parte hearing.

(d) Ex Parte Paperwork:

1. Ex parte paperwork should be submitted to the Clerk's Office by 3:00 p.m. the court day prior to the hearing.
2. If the normal ex parte timelines cannot be met before the scheduled lockout date listed on the Sheriff's Notice, the paperwork may be submitted up to 12:00 p.m. the day of the ex parte hearing.
3. A copy of the ex parte papers must be provided by the person requesting relief to the other party or their attorney before submitting the paperwork to the court. The papers may be delivered in person, by fax or by email. Proof of service must be submitted. This may be done by using the Local Form SUPCV 420.

(e) Opposition to Ex Parte Request: Objections to the ex parte relief requested shall be submitted to the Clerk's Office and the party making the ex parte request as soon as possible after notice is received but no later than 12:00 p.m. the day of the hearing. The papers may be delivered in person, by fax or by email. Proof of service must be submitted with the objection.

(f) Remote appearances are governed by California Civil Procedure § 367.75, California Rule of Court 3.672 and Local Rule 1.4.01.

(Eff. 1/1/23)

Rule 2.9.042 Time; Matters Not Appropriate For Ex Parte Procedure

The Family Law and Probate Departments ~~has its~~ have ~~own~~ local rules regarding ex parte matters. See Local Rules 3.1.13 and 4.1.08

~~(a) Time: A judge will be available each day, Monday through Friday to consider ex parte orders. The ex parte courtroom schedule is posted on the Court's website.~~

(a) Non-appropriate Matters: If the judge determines that the matter can be handled through normal procedure (~~i.e.~~, noticed hearing or sent through the Clerk's Office), the application will be denied. The Court shall retain denied applications. The following types of orders will not be accepted:

1. Stipulated Orders in an existing case (~~e.g.~~, Stipulated Judgment).
2. Orders After Hearing
3. Judgment After Trial
4. Default Judgment

(b) Stipulations for Order to Continue Trial, Mediation, or Case Management may be sent through the Clerk's Office without a noticed ex parte hearing.

(c) Matters not appropriate for the ex parte procedure are to be submitted to the Clerk's Office. If a time urgency exists, a request to expedite may be made.

(Eff. 1/1/91) (Rev. 7/97) (Renumbered 7/1/07)
(Rev. 1/1/09) (Rev. 7/1/14) (Renumbered 7/1/17)
(Rev. 1/1/19) (Renumbered 7/1/20) (Renumbered
and Rev. 1/1/23)