

KINSEY
LAW
OFFICES



EX PARTE APPLICATION FOR ORDERS

Sample Only
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APPLICATION

Pursuant to _____ [statute], _____ [name], _____ [plaintiff or defendant] in the above-entitled action, applies for an order _____ [specify type of order sought]. _____

DECLARATION OF ___ RE NOTICE OF EX PARTE HEARING

[EITHER]

On _____ [date], at approximately _____ [time], I telephoned _____ [name], attorney for _____ [opposing party], and told _____ [him or her] that on _____ [date], at _____ [time], or as soon thereafter as the matter could be heard, at _____ [location of courthouse], _____ [plaintiff or defendant] would move this court for an order in this action _____ [state type of relief sought].

[OR]

On _____ [date], at approximately _____ [time], I telephoned the office of _____ [name], attorney for _____ [opposing party], and requested to speak to _____ [name of attorney]. A person who identified _____ [himself or herself] as _____ [name of attorney]'s secretary informed me that _____ [name of attorney] was not in the office and would not return until _____ [date]. I asked whether there was a number at which I could reach _____ [name of attorney], but was told that _____ [name of attorney] had not left any number. I then requested that the secretary take a message, and told _____ [him or her] that on _____ [date], at _____ [time], or as soon thereafter as the matter could be heard, at _____ [location of courthouse], _____ [plaintiff or defendant] would move this court for an order in this action _____ [state type of relief sought]. I requested that _____ [secretary] deliver the message to _____ [name of attorney] as soon as possible.

[OR]

I have not informed, and should not be required to inform, either _____ [name of opposing party], _____ [status] in this action, or _____ [name], attorney of record for _____ [opposing party], of my intention to make this application, for the following reasons: _____ [specify reasons].

[CONTINUE]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was signed at _____, California..

Dated _____.
_____ [Name]

DECLARATION OF ___ IN SUPPORT OF APPLICATION

I, _____ [name], declare as follows:

1. I am the attorney for _____ [plaintiff or defendant].
2. _____ [In numbered paragraphs, state facts showing right to issuance of order and reasons order should be issued ex parte.]

**MEMORANDUM OF POINTS AND AUTHORITIES
STATEMENT OF FACTS**

_____ [In this and subsequent paragraphs, set forth a concise statement of the case, stating all facts relevant to the issues raised by the motion].

I. INTRODUCTION

[Write an overview of your arguments]

[In subsequent paragraphs lay out your points beginning with a heading for the point followed by a discussion of your argument including authorities]

II. ARGUMENT

[Lay out your points and authorities. Begin with a heading and then flesh out your argument with references to applicable law.]

[EXAMPLE]

1. DEFENDANT'S MOTION SHOULD BE DENIED BECAUSE SHE FAILED TO COMPLY WITH THE REQUIREMENT OF C.C.P. § 473c(a)(3) REQUIRING SERVICE OF THE MOTION ON ALL PARTIES

Code of Civil Procedure § 437c(a)(3), referring to the requirements for service of a summary judgment motion, states, in pertinent part that , "The motion shall be heard no later than 30 days before the date of trial, unless the court for good cause orders otherwise. . . ." The Proof of Service attached to Defendant's motion indicates that the .

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CONCLUSION

_____ [Set forth conclusion, such as: Based on the reasons set forth above, _____ (plaintiff or defendant) respectfully requests that the court grant _____ (plaintiff's or defendant's) motion for _____ (specify order sought by motion)].

Date: _____
_____ [Plaintiff's name]
Plaintiff *In Pro Per*

[Attach declarations, exhibits, other supporting papers, and proof of service]

ORDER

Having read and considered the above application, and goodcause appearing,

IT IS ORDERED that _____ [specify].

Date: _____

JUDGE OF THE SUPERIOR COURT

Date: _____

[Plaintiff's name]
Plaintiff *In Pro Per*

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